DISARMAMENT

Programme of Training on Conflict Resolution, Crisis Prevention and Management and Confidence-building among African States

Workshop for Senior African Military and Civilian Officials

United Nations

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United Nations, New York 1991

This document contains material presented at a workshop for senior African military and civilian officials held from 5 to 16 March 1990 in Arusha, United Republic of Tanzania. The workshop was organized by the United Nations Department for Disarmament Affairs under the auspices of its Regional Centre for Peace and Disarmament in Africa and in co-operation with the Government of the United Republic of Tanzania and its Centre for Foreign Relations.

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Programme of the Workshop

Monday, 5 March 1990

3.30 p.m — Opening ceremony

Welcoming address by H.E. Ambassador Ahmed Hassan Diria, Minister of Information and Broadcasting of the United Republic of Tanzania, on behalf of the Host Government

Message delivered by H.E. Ambassador Taher Shash on behalf of the Current Chairman of the Organization of African Unity

Opening statement by Mr. Yasushi Akashi Under-Secretary-General for Disarmament Affairs, United Nations, New York

Keynote address by H.E. Ambassador Salim Ahmed Salim, Secretary-General of the Organization of African Unity

Tuesday, 6 March

9 a.m. - noon — Review of conflict areas in Africa

Speaker:
Ambassador Norman A. Kiondo
Director of the Centre for Foreign Relations of the United Republic of Tanzania

Militarization of African affairs and its implications for peace and development in the region

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Speaker:
Ambassador Olara Otunnu
President of the International Peace Academy
New York, United States

Discussion chaired by Mr. Yasushi Akashi

3 p.m. - 6 p.m. The Organization of African Unity and conflict resolution in Africa

Speaker:
Professor Yassin El-Ayouty, Professor Emeritus
State University of New York
Stony Brook, New York, United States

Discussion chaired by Mr. Yasushi Akashi

Wednesday, 7 March

9 a.m. - noon Conflicts and militarization in Africa: a review of specific experiences in the various subregions:

a) the subregion of Central Africa
b) the subregion of West Africa

Discussion chaired by Mr. Yasushi Akashi

3 p.m. - 6 p.m. Conflicts and militarization in Africa: a review of specific experiences in the various subregions (cont'd):

c) the subregions of East and Southern Africa
d) the subregion of North Africa

Discussion chaired by Mr. Yasushi Akashi

Thursday, 8 March

9.30 a.m. - 12.30 p.m. Conflicts and militarization in Africa: a review of specific experiences in the various subregions (cont'd):

d) the subregion of North Africa

Confidence-building measures in Africa

Speaker:
H.E. Ambassador Paul M. Rupia, Chief Secretary
Office of the President
United Republic of Tanzania

Discussion chaired by Mr. Yasushi Akashi

3 p.m. - 6 p.m. Discussion on the topic "Confidence-building measures in Africa" (cont'd)

African and international legal provisions in the field of peaceful settlement of disputes and the non-use of force

Speaker:
Professor Tafsir Malick Ndiaye
Cheikh Anta Diop University
Dakar, Senegal

Discussion chaired by Mr. Sammy Kum Buo
Senior Political Affairs Officer
United Nations Department for Disarmament Affairs

Friday, 9 March

9 a.m. - 12.30 p.m. The promotion and respect of human rights as a factor for peace, security and development in Africa

Speaker:
Professor Isaac Nguema
Former Chairman of the African Commission on Human and Peoples' Rights

Discussion chaired by Mr. Sammy Kum Buo

Principles, techniques, procedures and methods of military co-operation among African States in the field of peace-keeping: the role of the United Nations and of the Organization of African Unity

Speaker:
Lt. General Emmanuel A. Erskine (ret.) (Ghana)
First Force Commander of the United Nations
Interim Force in Lebanon (UNIFIL)

Discussion chaired by Mr. Sammy Kum Buo

3 p.m. - 6.30 p.m. Discussion on the topic "The promotion and respect of human rights as a factor for peace, security and development in Africa" (cont'd)

Discussion chaired by Mr. Sammy Kum Buo

Simulation exercise on the peaceful settlement of border disputes in Africa. Exercise organized and guided by Dr. Tommy Imobighe (Nigeria), Center for Conflict Analysis and Resolution, George Mason University, Fairfax, Virginia, United States

Monday, 12 March

9 a.m. - 12.30 p.m. Contemporary African political, military and economic affairs and their relationship to peace, security, disarmament and confidence-building among African States: a general overview

Speaker:
H.E. Mr. Oluyemi Adeniji
Ambassador of Nigeria to France and
Member of the Advisory Board on Disarmament
Matters of the United Nations Secretary-General

Discussion chaired by Mr. Sammy Kum Buo

The role, techniques, principles and procedures of mediation, negotiation and arbitration in the field of conflict resolution:

a) The role of the United Nations

Speaker:
Mr. James O. C. Jonah
Assistant Secretary-General
Office for Research and the Collection of Information
United Nations, New York

Discussion chaired by Mr. Sammy Kum Buo

3 p.m. - 6.15 p.m. The role, techniques, principles and procedures of mediation, negotiation and arbitration in the field of conflict resolution:

a) The role of the United Nations (cont'd)

Discussion chaired by Mr. Sammy Kum Buo

b) The role of subregional and inter-governmental security arrangements: the experience of the "Accord de Non-Agression et d'Assistance en matière de Défense" (ANAD)

Speaker:
General Jean Gomis
Secretary-General of ANAD

Discussion chaired by Mr. James O. C. Jonah

Tuesday, 13 March

9 a.m. - noon Panel discussion on "The role and contribution of external Powers and other actors in conflict resolution in Africa"

Moderator:
Mr. James O. C. Jonah

Panelists:
Mr. A. G. Aksenenok
Deputy Director for Estimates and Planning
Ministry for Foreign Affairs, Moscow, USSR

Dr. Christophe Carle
Institut Français des Relations Internationales
Paris, France

Dr. John Stremlau
Deputy Director
Policy Planning Staff
United States Department of State
Washington, D.C., United States

3.30 p.m.- 6 p.m. Socio-economic consequences of military expenditures and disarmament in Africa

Speaker:
Professor Robert L. West
Fletcher School of Law and Diplomacy
Tufts University
Medford, Mass., United States

Discussion chaired by Mr. James O. C. Jonah

Wednesday, 14 March

9.30 a.m.- 12.30 p.m. The role of the International Committee of the Red Cross (ICRC) in conflict resolution in Africa

a) "Knowledge of the law of war as a confidence-building measure"

b) "ICRC operations in Africa"

Speaker:
Dr. Jean-Jacques Gacond
ICRC Delegate to the Armed Forces in Africa
Nairobi, Kenya

Discussion chaired by Mr. James O. C. Jonah

3.30 p.m. - 6 p.m. The role of the media in confidence-building among African States

Speaker:
Mr. Victor Olufemi Adefela
Deputy Director General
Pan African News Agency (PANA)
Dakar, Senegal

Discussion chaired by Mr. James O. C. Jonah

Thursday, 15 March

9 a.m. - noon Review, assessment and conclusions of the workshop

3 p.m. - 6 p.m. Presentation of certificates of participation to the participants

Friday, 16 March

9.30 a.m. Closing ceremony

Concluding statements:

H.E. Mr. A. A. Abbas
Principal Secretary
Ministry of Foreign Affairs
United Republic of Tanzania

Mr. James O. C. Jonah
Assistant Secretary-General
United Nations

Adoption of the report of the workshop

Welcoming Address

Ahmed Hassan Diria

Your Excellencies, Distinguished Guests, Ladies and Gentlemen,

Allow me, on behalf of the people and Government of the United Republic of Tanzania and on my own behalf, to extend to you all our warmest welcome to Tanzania and particularly to Arusha, which through the years has become a centre for international gatherings and meetings of minds for people from all corners of the world.

I would also like to use this opportunity to express Tanzania's sincere gratitude and appreciation to the Under-Secretary-General for Disarmament Affairs, Mr. Yasushi Akashi, and his staff, and all the others who have been directly or indirectly involved, for their joint efforts and support in making the holding of this workshop possible.

Let me state at the outset that the holding of this workshop marks a significant step in the international and regional efforts towards the peaceful settlement of conflicts among nations. Its significance is also demonstrated by the fact that the workshop is being held at an opportune time when the international political climate offers great hope for the resolution of regional conflicts. The thawing of relations between the two super-Powers, the emerging *rapprochement* between East and West and the consequent reduction of tension among nations have ushered in a new era in international relations.

The workshop should, therefore, offer you all a great opportunity to review, *inter alia*, the recent international developments and their impact on the political and security situation in Africa. I note from the programme that the workshop provides a unique setting wherein governmental officials, experts, representatives of academic institutions and of political organizations will address some of the fundamental and critical issues pertaining to conflict resolution and confidence-building among African countries. It would thus be presumptuous of me to try and discuss at this stage the substance of the topics on the agenda.

Ahmed Hassan Diria is Minister of Information and Broadcasting of the United Republic of Tanzania, at Dar es Salaam, United Republic of Tanzania.

Nevertheless, I wish to make a few general remarks on issues which represent our shared interests and common resolve to work for the establishment of peace and security in the region. As mentioned earlier, we have recently witnessed many positive events in the world which were unimaginable a few years back. A wind of change in favour of more democracy is now blowing in Eastern Europe. The fall of the Berlin Wall has ushered in a new political chapter. In South Africa, the new President, F. W. de Klerk, in his attempt for the so-called reforms, has released Nelson Mandela and other political prisoners and unbanned the African National Congress and other political organizations. While these developments inside South Africa are welcome, Africa – indeed the world – should not lapse into euphoria and forget that the *apartheid* system which is the root cause of instability and insecurity in southern Africa is still intact. Hence any discussion on peace or even on the process of confidence-building in the region should take that fact into account. For we strongly believe that the measures so far taken by President de Klerk fall far short of constituting a basis for the peaceful resolution of the South African conflict. More far-reaching measures – including the lifting of the state of emergency and the release of all political prisoners – are needed to create a climate conducive to a serious dialogue.

It is only after these measures are taken that the concerned parties, especially the liberation movements, can have the necessary confidence to enter into meaningful negotiations on the abolition of *apartheid* and the creation of a free, democratic post-*apartheid* South Africa.

This means that the onus of creating confidence among the major protagonists in the conflict now lies squarely on the shoulders of President de Klerk and his Nationalist Party. It is de Klerk who should prove before the world – by deeds, not words – that he is genuinely committed to a negotiated settlement of the conflict by meeting all the conditions put forward by the ANC. Indeed, he should take the olive branch already extended to him by the ANC to create a new political dispensation acceptable to all South Africans as an incentive to begin the dialogue.

However, any attempt by him to control the negotiation process – as indicated by his recent statement concerning the composition of the ANC delegation to the envisaged exploratory talks

with him – is totally unacceptable. De Klerk has neither moral nor legal authority to choose those who should represent the ANC at the negotiating table. Only the black majority of South Africa have that mandate. Indeed, for the negotiations to bear the desired results, all the parties to the conflict should participate on an equal footing.

Mr. Chairman, while not claiming to be an expert on issues of peace and security like some of you here, I am of the view that any serious discussion on these concepts and their applicability in Africa should take a global perspective. This is for the simple reason that peace is indivisible. There can be no peace in Africa if there is insecurity and instability in other parts of the world, and vice-versa.

For instance, it is a well-known fact that the present lopsided international economic system which militates against the interests of the developing countries is one of the major sources of insecurity and instability not only in Africa but also in most parts of the world. The debt burden currently faced by African countries, itself a result of the inequalities inherent in the international economic system, is a time-bomb which is posing a great security risk to these countries. And unless concrete measures are taken now by the international community collectively to diffuse the worsening situation, the debt burden is sooner or later going to plunge these countries into deeper instability.

Mr. Chairman, it is ghastly to contemplate the scenario that would emerge in the world if this happens given the economic interdependence nature of our modern world. Yet one thing is clear. Not only will Africa be plunged into a state of instability, but the ramifications of that will negatively affect the security of all nations without exception.

It is for this and similar related reasons that Tanzania calls for a new international economic order devoid of inequalities which have been a source of almost all the major wars in history. We strongly believe that this is the surest way of guaranteeing both regional and international peace and security. In this regard we expect multilateral organizations such as the United Nations and the OAU to play a more dynamic role in ensuring the creation of new forms of international economic relations based on justice and equality. Hence, it is my hope that in the course of your deliberations you will have time to discuss the role of the United Nations and the OAU in the promotion of non-military elements

of security, including the question of the economic security of African countries.

Mr. Chairman, I do not wish to over-emphasize the fact that the process of confidence-building depends very much on communications and information. It is through communications that nations normally get to know each other's perceptions on different issues of common interest. Without communication there can be no trust among nations.

We in Tanzania are aware of this fact and that is why we attach great importance to the role of the mass media in creating understanding among nations. Over the years we have endeavoured to ensure that our media play a positive role by promoting good neighbourliness, African unity and other ideals of our foreign policy.

This we have done with a clear understanding that a media based on the principles of objective journalism – not on warmongering – is an effective tool in fostering mutual trust and reducing tensions among nations.

Mr. Chairman, your Excellencies, distinguished guests, ladies and gentlemen, following these few remarks allow me now to formally declare this workshop open. I wish you all fruitful deliberations.

Message on behalf of the Current Chairman of the Organization of African Unity

Taher Shash

I have the honour, on behalf of His Excellency, President Muhammad Hosni Mubarak, to convey his special greetings and his high appreciation of the importance of the task entrusted to this high-level workshop on the peaceful settlement of disputes.

President Hosni Mubarak, the Current Chairman of the Organization of African Unity, has often underlined the crucial importance, especially in our great African continent, of putting an end, through peaceful means, to all disputes of a bilateral and regional nature. In a world context which is fast moving in the direction of détente and peaceful resolution of major disputes, the need becomes more pressing for reinforcing and consolidating peace among all nations.

At the twenty-fifth Assembly of Heads of State and Government of the OAU, President Mubarak stressed the importance of further deepening African solidarity and of utilizing it towards putting an end to all disputes existing between African sister States. In this respect, he referred to the fact that African States were in the vanguard of those establishing solid foundations of inter-State solidarity and the harmonization of inter-State relationships world-wide. The goals to which the OAU Chairman alluded are to be attained irrespective of any ideological, geographical or linguistic differences. Uppermost in the mind of the current Chairman is the need to direct the energies of the Member States of the OAU to containing the disputes which have recently surfaced between African States, irrespective of their root causes.

"Together", President Mubarak said at the summit Assembly, "we Africans possess both the will and the capacity to settle whatever disputes through conciliation; guided by the spirit of African unity and our real commitment to the oneness of our interests and destiny".

Ambassador Taher Shash of Egypt was representative of the Current Chairman of the Organization of African Unity at the workshop.

The OAU Charter enshrines the principle of the peaceful settlement of disputes on a basis of non-interference and non-intervention, respect for the sovereignty and territorial integrity of States, and common solidarity against all forms of foreign aggression. The OAU, under its successive chairmen, has set a pioneering example for the rest of the world in this regard, through the establishment of high-level committees of "wise men", which have been instrumental in alleviating, if not solving fully, simmering conflicts between member States. This example is deeply rooted in African traditions, and has earned, for the OAU, world-wide respect. It was also through the combined efforts of African States within the Movement of the Non-Aligned Countries that the United Nations General Assembly adopted several important resolutions representing historical landmarks in the path towards the reinforcement of norms of international law, especially in the peaceful settlement of disputes. Foremost among these are: the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the United Nations Charter; the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations; the Manila Declaration on the Peaceful Settlement of International Disputes; the 1974 United Nations resolution on the Definition of Aggression; the Charter of Economic Rights and Duties of States; the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States; and the Statute of the International Court of Justice.

I am sure that the deliberations of this workshop and its findings will further enrich our experience to the benefit of Africa and the whole world. Peace, as you know, is indivisible, and is closely interrelated to the social and economic well-being of people.

The Current Chairman of the OAU has, therefore, entrusted me with the honour of stressing, through my participation as his representative, the high importance he accords to the theme of your discussions. He also wishes to convey his high esteem to all participants and his thanks to the Secretary-General of the United Nations, the United Nations Under-Secretary-General for Disarmament Affairs and His Excellency Salim Ahmed Salim, Secretary-General of the Organization of African Unity for co-sponsoring this important meeting.

President Mubarak also conveys, on this occasion, his best wishes to the Government and people of the United Republic of Tanzania for hosting this important workshop on its soil.

In concluding, I wish you all success in your meeting and express my appreciation of the value of your contributions to peace, stability, and the welfare of Africa and the world.

Opening Statement

Yasushi Akashi

It is with great pleasure that I welcome you to this "Workshop for Senior African Military and Civilian Officials on Conflict Resolution, Crisis Prevention and Management and Confidence-building among African States".

In view, in particular, of its principal mission, which is the maintenance of international peace and security, and taking into account the various ongoing efforts to resolve and eliminate the situations of conflict which are causing much death and destruction and diverting Africa's attention and limited resources from the urgent task of socio-economic development, the United Nations, I wish to underline at the outset, attaches great importance to this workshop. Your presence here, leaving behind busy schedules and heavy official and other responsibilities, I believe demonstrates your interest in the quest for effective ways and means of resolving Africa's conflicts by peaceful means and maintaining peace and security at the lowest possible level of armaments and armed forces, in line with the Charter of the United Nations to which all of our countries, as Members of the United Nations, have solemnly subscribed. I therefore feel certain that we have gathered here bound together by a common objective of the promotion, realization and maintenance of peace and progress for all the countries and peoples of this great continent.

In welcoming you to this international event in the beautiful Tanzanian city of Arusha, well-known world-wide for the richness of its history, its location at the foothills of the majestic Mount Kilimanjaro and also for the warmth and hospitality of its people, allow me to express our deepest gratitude and appreciation to the Government and people of the United Republic of Tanzania, including, in particular, its Centre for Foreign Relations, for hosting this meeting and facilitating its smooth preparation and convening.

I also wish to seize the opportunity to pay special tribute to Tanzania and other African countries in the Organization of African

Yasushi Akashi is United Nations Under-Secretary-General for Disarmament Affairs.

Unity for their faith in and support of the United Nations. It is well-known that the United Nations success and effectiveness depends, above all, on the demonstrated political will of its Members to put it to good use. African States and the OAU itself have consistently co-operated with the world body and actively participated in its work. This is a source of encouragement which can only strengthen further the Organization's capacity to discharge more effectively its role in building a better world for mankind. The presence in our midst today of His Excellency Ambassador Diria, Minister of Information and Broadcasting of the United Republic of Tanzania, and His Excellency Dr. Salim Ahmed Salim, Secretary-General of the OAU, demonstrates at the highest level the close ties of co-operation that bind Tanzania, the United Nations and the OAU.

One of the ways in which African countries and other Member States support the work of the United Nations is by providing financial and material support for various United Nations programmes and activities funded on a voluntary basis. This is the case with the United Nations Regional Centre for Peace and Disarmament in Africa under whose auspices our present meeting is taking place. Despite the severe economic crisis confronting the region as a whole, several African countries have joined some other Member States as well as governmental and non-governmental organizations in making voluntary contributions to the Regional Centre and thus contributing to its effective functioning.

As you are aware, the United Nations Regional Centre for Peace and Disarmament in Africa was established by the United Nations General Assembly upon the initiative of the Assembly of Heads of State or Government of the OAU.

At its twenty-first ordinary session held at Addis Ababa in July 1985, the OAU Assembly of Heads of State or Government adopted resolution AHG/Res. 138 (XXI) by which it, *inter alia,* expressed its firm conviction of the interrelationship between security, disarmament and development and called upon the United Nations to establish a regional office in Africa to conduct in-depth studies and to promote the objectives of peace and development in the region. Later that same year, by its resolution 40/151 G, adopted by consensus, the United Nations General Assembly decided to establish the Centre, within the framework of the United Nations secretariat, on the basis of existing

resources and voluntary contributions. The General Assembly also decided that the primary purpose of the Centre would be to provide substantive support for initiatives and other efforts of Member States of the African region towards the realization of measures of peace, arms limitation and disarmament in the region, in co-operation with the Organization of African Unity. Similar centres have now been established in Asia and the Pacific as well as in Latin America and the Caribbean.

The present workshop is aimed at meeting part of the objective sought by the General Assembly, by serving as a forum through which the world-wide experience, expertise and resources of the United Nations in the field of peace and security can be channelled to the service of regional security needs in Africa. We are particularly grateful to the Ford Foundation and the MacArthur Foundation whose generous financial support has made the holding of the workshop possible.

Allow me to say a few words about the workshop itself. We see this as a unique opportunity for in-depth and informal contact, dialogue and learning for senior officials responsible for managing situations of conflict or otherwise involved in security-related matters on behalf of their respective Governments. By bringing together military and civilian officials from different countries for a relatively sustained period of time, the workshop can provide a valuable opportunity for acquiring, expanding or deepening useful knowledge, experience and expertise on the relevant issues as well as for personal contact and communication which could lead to better mutual understanding and enhanced confidence.

It is to be underlined that the workshop is not a forum for adopting resolutions or declarations or for passing judgements on the policies of States. Rather, we hope that it will permit participants to acquaint themselves with each other's security concerns and interests and facilitate efforts to harmonize such concerns and interests for the common good of peace.

It should also be noted that our discussions here are entirely informal. We therefore invite participants to get involved actively and speak candidly in the deliberations of the workshop itself as well as outside of the conference room.

As African States and the various inter-governmental organizations at the regional and subregional levels become increasingly

involved in peace-making efforts in the region, the need for opportunities through which officials of those States may acquire the necessary expertise, experience and capabilities, becomes more pressing. With such expertise and experience, the officials concerned will be able to pursue and participate constructively in negotiations and other efforts to reach agreement on measures not only to end specific conflicts in the short-term, but also to enhance confidence and promote peaceful relations among States in the region. I am certain that our efforts here can make a meaningful contribution to advancing that process.

Our workshop is taking place at a momentous period in world affairs. We are witnessing historic developments which could radically transform the geopolitical configuration of our world and change for many years to come the way we look at issues of war and peace both at regional and global levels. Even as the events are still evolving, we can dare say that the trends we have been witnessing in recent years give us reason for optimism. At the same time, it is important that we do not become complacent because, while prospects for peace are brighter in such areas as Iran and Iraq, Western Sahara, southern Africa, Central America, Kampuchea and elsewhere, the emergence of new conflict situations and persistence of several others challenges us to continue to apply ourselves even more vigorously in the quest for a safer and more just world.

Later this month, indeed, less than a week after the conclusion of our workshop, Namibia is expected to become an independent, sovereign State. This will be a historic moment, and a triumph of the collective commitment of the international community to the principles enshrined in the Charter of the United Nations and the Charter of the Organization of African Unity. The attainment of Namibian independence within the framework and guidance of the Security Council is a useful lesson for all of us here, especially as it shows that, given the constructive political will of all parties concerned, conflicts, no matter how complex or protracted, can be resolved through diplomatic efforts.

Due attention must be paid here to the grave situation existing in *apartheid* in South Africa, especially as developments there are relevant to our concerns and preoccupations at this workshop.

The General Assembly of the United Nations has repeatedly declared that the *apartheid* régime poses a serious threat to regional as

well as to international peace and security. We hope that recent positive steps by South African President F. W. de Klerk, including in particular the release of Mr. Nelson Mandela from jail, will soon be followed by further irreversible and positive measures towards the complete elimination of *apartheid* and the evolution of a democratic and non-racial South Africa.

Clearly, an end to *apartheid* and the realization of a free and democratic political situation in South Africa would constitute a significant boost to efforts to end the violence and promote conditions of peace, security, and confidence-building in Africa, especially in southern Africa, and would curb the continued diversion to military needs of the limited resources badly needed by African countries for their development.

I wish to commend African countries, and in particular the "Front-line States", for the many efforts and sacrifices that they have made and continue to make towards the emergence of a more just and more peaceful South Africa.

Permit me to refer here to the related problems of the nuclear threat to Africa. I know that from the earliest days of their independence, African States, at the United Nations, have campaigned vigorously against the introduction of nuclear weapons into their continent. This clear-sighted policy, which recognized the unparalleled danger of nuclear weapons, led the African States, at the first ordinary session of the Assembly of Heads of State or Government of the Organization of African Unity, held in July 1964, to adopt the now famous Declaration on the Denuclearization of Africa. This Declaration, by which African leaders expressed their wish to keep nuclear weapons out of their continent, led the way for similar efforts in other regions to establish nuclear-weapon-free zones. The United Nations attaches great importance to the implementation of the OAU Declaration and since 1974 the item has appeared on the agenda of the General Assembly at each of its regular sessions.

The dangers that nuclear weapons pose to the building and maintenance of confidence and trust among States, to the security of countries and peoples everywhere, and indeed to the very survival of the human race, have been well-documented. I simply wish, especially at a time when the international community is preparing to convene later this year the Fourth Review Conference of the Parties to the Treaty on

the Non-proliferation of Nuclear Weapons, to underline the urgent need, in accordance with numerous General Assembly resolutions, to prevent the introduction of nuclear weapons into Africa and to implement the OAU Declaration on the Denuclearization of Africa. The United Nations secretariat, for its part, stands ready to co-operate with African States and the OAU in this regard, as called for by the General Assembly.

Clearly, security is a legitimate and fundamental concern of all States. However, experience over the past four decades has shown that enduring international peace and security cannot be achieved through the accumulation of weaponry or use of armed forces in violation of the principles of the Charter of the United Nations. A solid foundation for genuine peace and security can be built only through respect for the sovereignty and territorial integrity of States, refraining from the threat or use of force in international relations, agreeing to the peaceful settlement of disputes, non-intervention in the internal affairs of States and respect for human rights. In a world of increasing interdependence between nations and continents, regional and global security are more closely linked than ever before. While nuclear issues are central to global security, the time has come for us to deal squarely with the arms race in the conventional field as well. We have seen not only the spread of highly sophisticated weaponry to virtually all parts of the world, but also its growing use in conflict areas. Wars are proving ever more ruinous, while the acquisition of arms and the militarization of societies have led to the impoverishment of nations as well as to the distortion of their national goals.

The need for more effective ways of managing crises and resolving conflicts is obvious. The past four decades have witnessed more than one hundred local and regional armed conflicts around the world, particularly in the developing world. They have claimed millions of human lives and caused billions of dollars worth of material damage and destruction. The root causes of these conflicts have to be addressed if lasting settlements are to be found for them. It goes without saying that no real progress in conventional arms limitation or reduction can be expected without a corresponding move towards resolving the local and regional conflicts that continue to ravage many regions of the world, including, in particular, Africa. Furthermore, we have now reached a stage where security can no longer be perceived in military terms alone.

There is wide recognition today of a triangular relationship between disarmament, development and security. I need not over-emphasize what it would mean to Africa as a whole if we could in fact succeed in channelling to development even a portion of the funds now devoted to the arms race.

The prevention of new conflicts as well as the peaceful resolution of existing ones are vital in our constant quest for international peace and security, including disarmament. Article 33 of the Charter of the United Nations provides for the pacific settlement of disputes through negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of choice of the parties involved. Article 99 gives the Secretary-General the right to bring to the attention of the Security Council any matter which in his opinion threatens the maintenance of peace and security. The good offices of the Secretary-General have been utilized by the Organization in its efforts to resolve or contain a number of conflicts. His quiet diplomacy has recently begun to bear fruit, and attention has increasingly been drawn to the unique role of the United Nations peace-keeping operations in halting armed conflicts and paving the way for their peaceful resolution.

In his report on the work of the Organization to the General Assembly at its forty-second session, the Secretary-General emphasized the importance of the regional dimension of peace and security as follows:

> "The regional dimension of disarmament merits much attention since it is in regional conflicts that weapons are actually being used for purposes of war. The acquisition of large quantities of sophisticated arms by developing countries places a severe strain on badly needed resources while adding nothing to the strength of their economies. Furthermore, it adds to external debt and creates a secondary demand for imports that increases their dependence. Improved regional security arrangements could reduce the need felt by them for expensive arms and large armed forces."

Within the African context, the Organization of African Unity offers a unique instrument for the promotion of peaceful and co-operative bilateral and multilateral relations among its member States. Since its establishment in 1963, the OAU has been directly or indirectly associated with nearly all the efforts to resolve local or regional conflicts in Africa. In addition, its Assembly of Heads of State

or Government has often carried out political initiatives to control conflicts in the region. It is urgent to find more effective ways and means of dealing with remaining crisis situations with a view to preventing their escalation to armed conflict and to resolving by peaceful means those conflicts that do arise. As in the past, the United Nations will continue to support the OAU's efforts and to co-operate with it, as appropriate, to promote prospects for peace on the Continent.

In the course of the next two weeks, we shall be examining three broad areas, namely conflict resolution, crisis prevention and management, and confidence-building. Each is important in its own right and as part of a process for maintaining peace and security. Without detracting from the importance of any one of them, I would, however, strongly emphasize the relevance of confidence-building measures. Whether they are incorporated into the various approaches to crisis management or seen as a separate process, confidence-building measures can help to diffuse nascent crises, reduce the escalatory risks inherent in crisis situations, lessen international tensions and do much to promote mutual trust among States. The recent European experience in this regard, beginning with the Helsinki Final Act of 1975 through the Stockholm Conference of 1986 and up to the present, may be worthy of our careful consideration, taking into account, of course, the characteristics of Africa. I would very much like to see this meeting become part of a gradual and systematic confidence-building process among African States.

I now declare open the Workshop for Senior African Military and Civilian Officials on Conflict Resolution, Crisis Prevention and Management and Confidence-building among African States.

Keynote Address

Salim Ahmed Salim

Allow me to thank the organizers of this workshop for the honour they have given me, to deliver the keynote address.

At a time when the rest of the world, especially Europe, is taking measures to ensure a future full of promise, a future not dependent on armaments but on co-operation, we in Africa also ought to be asking ourselves serious questions. Will Africa continue on its fractious path or shall we put a halt to it and set forth on the long road to peace, stability and co-operation on our continent? The theme of this workshop underscores the agenda for Africa. In the exchange of our views on conflict resolution, we may wish to imagine the Africa of the future – one in which, we hope, we shall not be talking about conflict resolution but rather about the consolidation of co-operation and the ensuring of lasting peace.

Both the Organization of African Unity (OAU) and the United Nations have a high stake in the stability of Africa: the countries of Africa constitute one third of the membership of the United Nations. It is this shared mission that has made the two organizations partners in the pursuit of peace. Together, they have promoted African unity, tackled the continent's economic problems, and in an effective way, through quiet diplomacy, contributed positively in efforts to resolve conflicts. I hope this partnership will be strengthened even more in the years ahead as we approach the twenty-first century.

Conflict resolution is, indeed, a complex subject. Both OAU and the United Nations have been involved in matters of conflict resolution for years. But they have tended to work more closely on preventive diplomacy than on conflict resolution. Indeed, the notion of crisis prevention derives logically from the concept of preventive diplomacy. The development of the concept has been linked to the development of the broader concept of collective security. This was envisaged as a system for the maintenance of international peace

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and security and as an alternative to the system of the balance of power in international politics.

The new system of collective security was envisaged as involving the establishment and operation of a complex scheme of national commitments and international mechanisms designed to prevent the use of force in international relations. The system was envisaged also as having the potential for credible threat and reliable promise of effective collective measures against aggressors, ranging from diplomatic boycott through economic pressure to military sanctions, in order to ensure and maintain the peace. This task of preventive diplomacy was assigned to both the United Nations and regional organizations such as the Organization of African Unity.

The conduct of peace-keeping operations has been the primary instrument by which the United Nations system has undertaken to exercise the function of preventive diplomacy. Considerable discussion has taken place on whether peace-keeping or peace-observation operations are authorized by the Charter of the United Nations. In the conceptual framework, however, peace-keeping and peace-observation seem to have been legitimized by general principles of moral obligation within the concept of collective security.

While the maintenance of peace and security is intrinsic in the United Nations Charter, the Charter of OAU makes no specific reference to peace-keeping operations or security arrangements. At the same time, the OAU Charter mentions co-operation for defence and security as one of the purposes of the organization. It also talks of the promotion of international co-operation, having due regard to the Charter of the United Nations, and the universal declaration of human rights. The OAU Charter is, however, emphatic on the peaceful settlement of conflicts.

The OAU accepts the United Nations as a valuable instrument for peace and as a mechanism in which the world can establish some common norms and rules pertaining to the conduct of relations among States. Equally, the United Nations recognizes OAU as a regional arrangement, within the meaning of the United Nations Charter, for dealing with matters related to conflict resolution, crisis prevention and management and, certainly, confidence-building among African States.

The major role of OAU and that of the United Nations in conflict resolution have been, by and large, complementary. Over the

past years, OAU has tended to assume the primary responsibility for political and diplomatic aspects of conflicts in Africa, while the United Nations has been inclined to limit itself to humanitarian aspects. This partnership presents a classic pattern for permanent co-operation in the fulfilment of the principles and purposes underlying a policy of continental peace based on preventive diplomacy. Outside the framework of the United Nations, OAU also has its own methodology and mechanisms for conflict resolution, prevention and management as well as for confidence-building among African States.

My focus today is not, however, on such matters but rather on ordinary issues that often get glossed over or that are taken for granted when our experts propound and analyse strategic military doctrines and try, often without success, to fit the African context into tight theoretical frameworks. I proceed, of course, from the premise that Africa has problems that are unique to it, at least in magnitude. It should therefore have different concerns and priorities and should therefore approach its problems in a different way.

African countries have neither the capability nor a reason to pit themselves against other parts of the world in a fight for military supremacy. No amount of military procurement or deployment within an individual African country or in all of them collectively could possibly countervail against American or Soviet military Power, or even that of France. If we cannot arm ourselves enough to represent a credible deterrent to the outside Powers, why do we stockpile arms? The tragic character of the arms race in Africa is its inherent motivation to arm against neighbours, against sister countries!

This has been possible for a number of reasons, but it is due not least to our lack of political awareness of the indivisibility of the security of Africa. The security and stability of each African country is linked to that of its neighbours. Insecurity and instability are contagious. One country cannot enjoy peace by itself like an island in a sea of insecurity and conflict. Instability along the borders precipitates tensions and military deployments with the risk of armed confrontation, and gives rise to refugees.

Why, then, do African countries arm themselves despite the realization of the futility of pursuing security on an individual basis?

Since independence, there has been a steady increase in the level of armaments and arms expenditures. Admittedly, there were

initial justifications for such increases but their rate of increase and their political contexts have gradually degenerated into factors of instability and insecurity. It was argued in most countries – perhaps logically so – that the security void left by the departing colonialists had to be filled. It was also argued that the function of Government made military buildup necessary so that the Government could assume the role of defender and protector of the sovereignty and territorial integrity of the newly independent countries. Wars of liberation in southern Africa also justified the increase, despite the heavy burden it constituted for the weak economies of the nascent front-line States, but by far the most regrettable increase and the one that constitutes the largest part has been the buildup arising out of inter-State conflicts, especially over borders. Whether in Ethiopia, Somalia, the Sudan, Uganda, the United Republic of Tanzania, Kenya, the Libyan Arab Jamahiriya, Chad or in other countries, increases in military expenditures are or were directly linked to the prevalence of conflict situations. The cost of these increases has had serious consequences as regards the ability of those countries to pursue development objectives and, despite minor decreases, Africa still spends more today on arms than on education, health or social development, at a time when there is a general decline in military acquisition world-wide.

Border and boundary problems are not new to Africa. They are inherent in the arbitrary demarcation of boundaries by the colonial administrations, but with the exception of a relatively few cases of open hostilities, most border areas have remained calm or, at worst, the hostilities have been only latent. In the period following independence, hostilities were eclipsed by the euphoria of newly won national freedom and the fervent hope for continental unity. This was certainly not the only reason. The more self-serving reason was the reluctance to open up an endless chain reaction of boundary claims across the continent. Realism constrained the countries to adopt the principle of the inviolability of the boundaries inherited from the colonial period.

In more recent years, however, with the euphoria long gone and the tasks of Government more exacting, States have tended to be less mindful of African solidarity and OAU Charter provisions. Population pressures, desertification coupled, in some cases, with the discovery of resources in bordering areas, have become catalysts for conflicts. The acute economic problems facing most African countries

have subordinated the ideals of the African consensus over boundaries and have almost created a justification for sustaining some of these border conflicts. At times nationalism has been invoked.

Religion has had also its own contribution to conflicts, though to a much less extent. But the resurgence of fundamentalism, both Christian and Islamic, threatens to throw the continent into new forms of conflicts. With the exception of Mauritania, Comoros and in some ways the Sudan, all the other African countries have secular Governments. Admittedly, there has been a continent-wide effort on the part of all Governments not to precipitate or to stir up the latent religious differences. But this does not mean that Africa has, on that account, immunized itself from religious strife. To the contrary, there have been riots and sometimes wars fought over religious differences. The war in the Sudan has religious overtones as did the confrontations in northern Nigeria.

Differences based on religion do in a very real way threaten the security and stability of African countries. It is therefore necessary that, as an insurance against violence motivated by religious convictions and competition, African Governments should elaborate mechanisms of governance that do not accentuate these differences, but should rather seek national harmony based, in part, on unfettered freedom of worship and secure foundations of secular Government.

Problems of tribalism and regionalism led to the bitter civil war in Nigeria and they continue to be sources of tension in many African countries. Now, inter-clan wars are threatening to tear Somalia apart and add to the already complicated and delicate situation in the Horn of Africa. In the Sudan, a war is raging on. A combination of factors, not least those of ethnicity, have thrown the country into a destructive war.

Quite apart from these factors with military implications which put Africa's security in jeopardy, there are various non-military threats to it as well, threats which cannot be contained through the traditional mechanisms for the maintenance of peace. No third-party or any innovative mechanism can replace the process of national consensus within countries. Only through continuous debate and consultation can agreement be found on means to remove these threats.

In African countries, as elsewhere, there is considerable economic disparity, despite many genuine national experiments to reduce income ratios and provide essential social services. There are

many countries which are grappling with demands for democracy and human rights despite constitutions that guarantee such fundamental rights. In all of these, we need national means of conciliation and conflict resolution.

Poverty has had a debilitating effect on our continent and our ability to recover is seriously constrained by the weak base of our economies. Africa's income has plummeted with the collapse of commodity prices and a corresponding increase in the cost of manufactured products. Despite many structural adjustment arrangements with the world monetary and financial institutions, most countries are far from recovery. Instead, our countries are sinking deeper and deeper into the cycle of borrowing to pay and paying for certification to borrow more – and always at stiffer terms and higher interest rates. As a result, Africa has become a net exporter of capital to the developed world at a time when we have accumulated an external debt of over 250 billion American dollars. We spend about 50 per cent of our total external earnings on servicing external debt. Our per capita incomes continue to fall and about half of the entire population of our continent now live below the poverty level, despite the fact that they are working harder than before. Africa now works more and more for less and less.

Food production has fallen and desertification is threatening the green food-producing areas at the rate of six million hectares per year. A combination of drought and, in some cases, unsuitable agricultural policies has wrought havoc with the agricultural base for food production. The child mortality rate for Africa is more than 100 per cent above the average for the whole of the developing world, and a staggering 165 million Africans still languish in illiteracy.

All these are factors inimical to the stability and security of Africa. They need to be tackled first by Africans themselves. Africa has to look to itself for answers to its economic problems. We need to co-ordinate our efforts on the basis of the Lagos plan of action, on the basis of collective self-reliance to work towards self-sustaining economic development. We must make a radical departure from experimental models of development worked out outside of our continent which have so far proved useful only in entrenching our dependence. Collective action within Africa to deliver the continent from its economic doldrums is the most important aspect of African security. A starving child in the

Sudan or Ethiopia or Tanzania is not threatened by nuclear weapons or machine-guns so much as by a lack of food and the prospect of death from starvation.

In my view, perhaps the most serious threat to Africa comes from a sometimes poor relationship between the people and their Governments. Many countries are still grappling with the problem of working out an ideal model for such a relationship – a *modus operandi* in politics. But the tensions which have invariably existed result from the inability of Governments to respond in a satisfactory way to the need for the people to participate democratically in the political and governance process. This demand has been at times interpreted as dissent or challenge to the authorities and the legitimacy of the Government in power. Such reaction is not always motivated by oppressive instincts of Governments. It arises at times out of genuine lack of experience, especially in those countries where military coups have tended to be frequent. Such frequency of coups and inexperience of successive leaders have meant a *de facto* freeze on popular participation in the political process and agitation by the people for such participation. In effect, it has ensured a constant state of friction, which has remained dormant either because the population has feared retribution or has been preoccupied with other more engaging issues, or because Governments have had adequate resources to meet social welfare need and thus dampen enthusiasm for political agitation.

Whatever has been the form of the relationship between the people and the government, the African masses have not by and large, been given adequate opportunities to find an outlet for their creative energies and apply them to development. Because of their restrictive policies on such participation, Governments have in turn spent a lot of resources, time and manpower either to protect themselves or to look for a workable balance. In this constant search for such balance on the one hand and taking measures to ensure their security on the other, Governments have not had the time or devotion to look seriously at issues relating to long-term foundations for peace, such as development. In the process of containing dissent and ensuring self-preservation, certain elements within the ruling establishments have committed excesses and violated human rights. A resulting vicious circle of agitation and containment has literally applied brakes to development. In more ways than one, the peoples' despair has given rise to an almost fatal

sense of cynicism with regard to the future of the continent and to pessimism regarding the policies of Governments. This apathy has killed the initiative of the people and instilled in them a deep sense of self-doubt which poses a significant long-term threat to Africa's security.

Those less charitable about Africa have sought to apply different standards to Africa and justify such situations because it suits their interests. They argue that African societies are more amenable to military rule and that participatory democracy on the Western model is alien to Africa. Those even less charitable have argued that people in Africa should be more concerned about hunger and poverty and less about academic issues such as democracy. In other words, democracy is the pastime of the rich and the affluent. Such arguments are advanced to support the forces against democracy and development in Africa. How is it possible to talk about the liberating qualities of democracy and its positive impact on development in Eastern Europe and the Soviet Union and at the same time deny democracy to Africa?

There is now a steadily growing realization in Africa that its future lies in democracy based on popular participation both in Government and in economic development. This realization is best illustrated by the growing trend towards civilian rule. Most military Governments are realizing that constitutional rule provides a more stable basis for political legitimacy and for the long-term prospects for national security.

Questions of political participation are internal issues and there is therefore little room in such matters for innovation in conflict resolution nor is there an explicit role for OAU. None the less, society comes to terms with its own needs and abilities. A national process develops which influences the way that society views conflicts with others. More peace internally contributes to peace-building externally.

Conflict resolution and management presuppose the political determination on the part of the parties in a conflictual situation to abandon war as a means of settlement and to embark instead on a peaceful course. The essential ingredient of this peaceful process is negotiation. Negotiation is both a process and a means towards pacific settlement.

Negotiations as an objective must entail shared perceptions by the parties on the general form of the settlement towards which they work. They may have divergent views as to the mechanism, priorities and

areas to be stressed but they need to have a common concept of the final outcome of those negotiations. It is the element of common denominators that is instrumental in successful negotiations. Negotiation as a process involves a political determination by the parties that a fair settlement is possible through negotiation. It is a belief on the part of the parties in the ability or potential of that process to bring about equitable settlement. Negotiation as a political phenomenon must involve a realization by those concerned that ultimately an equitable and lasting solution lies, not in the continuation of conflict, but in pacific settlement. It implies a certain balance of forces.

Whatever the military statistics or equations, negotiation is possible only if the parties have confidence in both the process itself and in those who act as mediators. Credibility is the essence of any mediation effort. This credibility is not acquired all at once. To be credible, individuals or countries must, over a period of time, have demonstrated the necessary political skills in their involvement in other conflict situations. They must also have an impeccable record of impartiality and be able to inspire the confidence of parties to a conflict.

I have made these observations to put the past efforts of the OAU and individual African countries at mediation into context. By no means do I, by these observations, imply that our lack of success in the past has been exclusively due to these factors. Some conflicts are so complicated, sometimes because of extraregional Power involvement, that they do not lend themselves to an easy solution regardless of the credentials and the efforts of the mediators. Sometimes, they involve personalities who see resolution of a given conflict linked to their political future. Sometimes, they are conflicts invoking such deep emotional and nationalistic feelings that it is an exercise in futility to try to advance logically reasoned arguments, especially at the peak of the conflict. Experience has demonstrated that such conflicts are resolved by time with changing political circumstances and personalities. It is with these considerations and on these premises that OAU has approached its role in the field of conflict resolution.

Among the principles of the OAU Charter is the solemn affirmation by the African States of the principle of the peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration. Consistent with this affirmation, the founder members created a commission of mediation, conciliation and arbitration.

A protocol to the agreement sets out the guidelines for its composition, activities, operation and areas of competence.

Over the years, there has been little recourse to the commission. Differences largely over its mandate as well as reluctance on the part of member States to submit themselves to mediation have not enabled the commission to function as envisaged. The absence of mediation by the commission does not, however, imply that there have been no mediation efforts at the level of OAU. Over time, and depending on the nature of the conflicts, the member States have dared to be innovative and in the process have contributed positively to conflict resolution and management.

Admittedly, owing to the sensitivity of the issue, in particular as it touches on matters of national sovereignty, the OAU bodies have been rather apprehensive when dealing with mediation. The limitations placed by the Charter on the extent of involvement in mediation make any would-be mediators sceptical about the possibilities of securing the consent of parties to the mediation. This scepticism has, in my view, been the greatest hindrance rather than the actual refusal of the member States involved in a conflict.

All this notwithstanding, there have been some commendable efforts and even if success in solving the conflicts has not always been forthcoming, the measures taken had clear advantages. They underlined the concern of the mediators and demonstrated their willingness to put themselves at the service of the African States concerned.

This has been done through a variety of techniques quite outside the purview of the Charter. There have been third-party efforts at mediation, conflict resolution and prevention. Individual countries or a group of them have undertaken such missions. While these were not under the auspices of OAU as such, it was the ideals of brotherhood and unity embodied in OAU that were invariably the guiding spirit. The efforts by Kenya and Zimbabwe to mediate the internal conflict in Mozambique or the Gbadolite summit in Zaire on the Angolan war are cases in point.

At times, individual countries or heads of State have taken initiatives to resolve conflicts. Examples include the efforts of President Eyadema of Togo to find a solution to the differences between Côte d'Ivoire and Liberia and the involvement of President Moussa Traore of Mali in the mediation efforts of the Senegal/Mauritania conflict.

Non-governmental organizations such as the Church in Mozambique have also been involved in mediation exercises.

Apart from these third-party approaches, the Secretary-General of OAU and its current Chairman have used their good offices to intervene positively in conflicts. This has essentially been intervention with a view to urging restraint and containment of a potentially explosive situation and avoiding its degeneration. The usual temporary abatement in the intensity of conflicts resulting from such appeals has provided time for reflection and sober judgement. Again, even when no solution is reached immediately, this lull has provided an invaluable breathing-space both to the mediators and to those involved in the conflict. The Secretary-General has at times made concrete proposals on how to arrive at a pacific settlement and so has the OAU Chairman. This has, however, been done with the understanding that these good offices can be put at the disposal of the parties when they themselves are prepared to use them in a positive way. The role of OAU is to help provide the necessary atmosphere for negotiation. It is in this spirit that I am currently following the situation between Senegal and Mauritania as well as that between Chad and Libya.

Most important, however, it is not the fact that OAU or its officials can offer their services but that the parties do demonstrate confidence in its ability to contribute positively to the resolution of the conflicts. It is this deep-seated confidence in OAU – even though few will readily acknowledge it – which in my view needs to be nurtured and developed in the minds of the African people. We need to build a grass-roots constituency for OAU in all the African countries so that recourse to the OAU mediation mechanism becomes a reflex action, in-built in the national political conscience. We should be able to build a new peace culture among the people of our countries – a culture which is not pacifist but which recognizes the virtues of the peaceful process. In the long run, this will prove a more credible assurance for conflict management and resolution than constitutional provisions in the OAU Charter or any other legal document.

Among the various methods of conflict resolution, management or prevention, it is the confidence-building approach that holds the greatest promise. Through the building of a system of political accommodation by means of greater transparency in military procurement and deployment, neighbouring countries can gradually

retreat from confrontational relationships. For example, the exchange of information on military establishments, the initiation of joint-training programmes, joint manoeuvres, establishing joint research and development projects will promote peace at a much lower cost and will yield more political dividends.

Weaving these confidence-building measures into the fabric of African defence doctrines and the perceptions of our defence establishments will create a more stable environment in which activities that open the way for greater peace can be initiated. I have in mind a situation of mutual confidence leading to economic co-operation and regional integration. The East African situation before the break-up of the community and as it now is offers a case in point. Through the process of shared security concerns, the three countries have managed to maintain border security with the most minimal reliance on armaments. Common history and deliberate political decisions on the part of the three countries have made peace possible, and co-operation has replaced confrontation.

Regional co-operation as a confidence-building measure can sustain co-operation, friendly relations and peace. The Southern Africa Development Co-ordination Conference and the Preferential Trade Area are cases in point. On the one hand, the opportunities for co-operation and contact which they offer promote human understanding and create an economic motivation to promote security and prevent conflict. The more the countries have jointly at stake, the more the motivation for peaceful relations. Quite apart from this economic incentive of avoiding conflict, the summits of these organs can assume a political role of mediation.

As a confidence-building measure, I see for example no reason why, in the case of disputed border areas, the bordering countries cannot come together and exploit the area jointly as a shared enterprise. This implicit recognition of common ownership of both or more parties in the disputed area will transform it from a centre of conflict into a theatre of co-operative endeavour. If the concept of common heritage were to be applied to disputed border areas, this would have gone a long way towards strengthening the basis for co-operation and reducing the incidence of conflict. We could take, for example, the Kagera River Basin Development Organization, the Organization of the States of the Great Lakes and, until very recently, the Organization for the

Development of the Senegal River. All these organizations have, to a large extent, opened avenues for co-operation instead of confrontation.

The Organization of African Unity has had one real experience of a peace-keeping operation. The Chad Initiative failed to enlist the financial and political support necessary for its success, but what is politically important is that it was an African initiative undertaken by Africans. It showed that such an operation was possible and the lessons learned are important. I am sure that in future we shall have a more organized and well-funded operation but I hope that the need for such an operation will never arise again.

Europe is going through a phase of basic transformation. The era of military confrontation, of threats of nuclear war and of ideological incompatibility are giving way to political accommodation and economic co-operation. Europe is no longer talking of war. The traditional concepts of security and defence doctrines are being replaced by new concepts of co-operation. Military alliances are rapidly losing their relevance in the changing political and security environment. All this is not the result of a miracle: it is a result of a realization in both Eastern and Western Europe that, ultimately, genuine security lies, not in walls separating families and communities, not in tanks or soldiers, but in co-operation and mutual trust.

This move towards European integration will have far-reaching economic, political and security implications for Africa. If Europe, with a relatively less urgent need to unite, with less economic incentive to integrate, finds it necessary to do so, why should Africa not be thinking along the same lines? We need to harness all our resources and target them to development.

It is my firm belief that in the final analysis, Africa's security does not lie in arms. It does not lie in the number of anti-ballistic missiles, fighter aircraft, frigates and submarines, tanks and anti-personnel vehicles, rocket launchers and machine-guns or ammunition. It does not lie in the development of nuclear weapons. On the contrary, our real security lies in our ability to harness our resources and manpower and to direct them positively to economic development. It lies in our ability to fight desertification, to eradicate hunger, poverty and disease, to end feuds and conflicts, and in our preparedness to usher in democratic Government, in which human rights are sacrosanct and the rule of law is taken for granted as an intrinsic right of citizens and an

essential attribute of constitutional rule. Africa is too poor, too backward and too wanting in many technological and economic respects to scatter its energies or to devote its resources to wars and conflicts. All this cannot be possible unless Africa is ready and willing to rise above the narrow thinking of isolationism and misplaced notions of an inflexible approach to sovereignty and come together in co-operative unity.

No country can by itself, find solutions to all its security problems. The countries of Europe have come to that conclusion and are pulling together. Africa's enduring security ultimately lies in its unity of purpose and of action.

General Overview of Contemporary African Political, Military and Economic Affairs and Their Relationship to Peace, Security, Disarmament and Confidence-building among African States

Oluyemi Adeniji

The international system into which African States emerged in the late 1950s was characterized by uncertainties provoked by East-West ideological rivalries and the accompanying arms race. The Second World War had hardly ended before the united will for a stable world order based on the concept of collective security disintegrated. Instead, a system of alliances – the most notable of which are NATO and the Warsaw Treaty – came into being, led by the United States and the Soviet Union, which had emerged as the two super-Powers. The arms race on which the two Alliances relied for their security and for the expansion of their influence has since become the dominant factor in international relations. The United Nations, which ought to have provided an environment in which emergent African States could develop in peace, was itself caught up in an increasingly acrimonious world dominated by the conflicting interests of the super-Powers. It was in no position to insulate new African States from the East/West ideological battle theatre in which the one sought to dislodge the dominant interest which the other, notwithstanding the granting of independence, sought desperately to preserve.

An early signal of the East/West competition and the prevailing concept of security based on military power was the creation by the new African States of a defence apparatus. The establishment of armed forces became as much a symbol of sovereignty as a national flag. The basic rationale for the military apparatus was the defence of the sovereignty and territorial integrity of the new States. Other factors,

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some inherent in the colonial system from which the continent was then emerging, provided added stimulus for the acquisition of arms. Lack of internal cohesion arising from the arbitrary grouping of hitherto distinct peoples within national boundaries provoked crises in several of the new countries. This phenomenon was complicated by the irredentist movement of those who campaigned to join their relatives across national boundaries. Boundary disputes between States arising from ill-defined territories developed into armed conflicts. In parallel with these intra-State or inter-State crises was the continued liberation struggle against those colonial Powers, such as Portugal, which insisted on perpetuating their rule, and against the minority régimes in Rhodesia and the *apartheid* régime in South Africa.

The contemporary political and military situation in Africa must therefore be seen against the background of the legacy of colonialism, as it concerns internal cohesion within States, inter-State territorial and boundary disputes, the left-over struggle for liberation in southern Africa and the threat by the *apartheid* régime, and the post-colonial ideological scramble for the continent. To these must be added the effects of arms acquisition, including the role of the military in politics, and unfulfilled economic expectations of the post-independence era which have led to the current critical economic crisis on the continent.

Internal crises and border problems

The legacy of the partition of Africa by the colonial Powers through the grouping together of diverse people into administratively convenient entities may be said to be perhaps the deepest root cause of the problems that earned Africa the reputation of a crisis-ridden continent. It manifested itself partly in inter-ethnic conflicts within almost every country, conflicts in which each group sought power and the accompanying access to the national wealth. Added to this was the arbitrary and the imprecise manner of the partition, which meant that, on the attainment of independence, most countries were uncertain of their boundaries. Lack of expertise on the part of the new countries in border demarcation and in conflict resolution was combined with a jealously guarded concept of territorial integrity which allowed for no concession, for whatever reason, to yield any part of the national territory. It was further compounded by rival ideological tendencies and

the irredentist quest of peoples who sought or were instigated to seek, to join members of their ethnic group across borders.

The debate as to whether to preserve the colonial boundaries in the interest of the integrity of the newly emerging States or to make adjustments in the interest of uniting people had raged in Africa even before the formal granting of independence. Fear of the chaos likely to follow claims for border adjustments must have been the determining factor in the decision of the Organization of African Unity (OAU) to maintain the *status quo*. In article 3, paragraph 3, of the OAU Charter, adopted in May 1963, member States solemnly declared their adherence to the principle of respect for the sovereignty and territorial integrity of each member State and for its inalienable right to independent existence. The implied adherence to the doctrine of *uti possidetis juris* (as you hold possession by right) was explicitly clarified the following year in a resolution adopted at the OAU summit meeting held in Cairo in July 1964, associating territorial integrity with maintenance of the *status quo* of colonial boundaries. In the resolution, the Assembly of Heads of State and Government solemnly declared that all member States pledged themselves to respect the frontiers existing upon their achievement of national independence.

Notwithstanding this ground rule, the early years of African independence witnessed a flurry of territorial disputes and border conflicts which the conflict management provisions of the OAU Charter were inadequate to deal with. It should be borne in mind that no provision whatsoever was made for military action of any kind in the form either of peace-keeping or of peace enforcement. Rather, the OAU Charter envisaged, in its article 3, paragraph 4, the peaceful settlement of disputes through third-party assistance of a quasi-juridicial nature, involving mediation, conciliation and arbitration. However, the Commision on Mediation, Conciliation and Arbitration, which was set up, was hardly used. Rather, African States preferred the improvised use of good offices of *ad hoc* committees of heads of State set up for specific border cases. The situation today is that although internal tensions have not totally ceased nor have borders been clearly demarcated, all countries still maintain the borders inherited at the time of independence. The question, therefore, is whether all countries and peoples should not fully accept that situation and direct greater efforts towards forging nation-States out of the state of nations.

Politically, this would require two steps. First, a greater effort must be made to achieve internal cohesion. Thirty years is a long enough period to turn the mistakes of the partitioners of Africa into a source of strength. Otherwise, the security of the State will always be in jeopardy, leading to a large diversion of resources for the acquisition of arms and a tendency to use these for internal security. Large-scale human rights violations, known to have bedevilled relations between Governments and their internal opponents, can only exacerbate tensions, particularly in the present period of universal awareness of the need to protect fundamental human rights. A second step required is the development of a credible system of crisis management and conflict resolution at both the continental and the subregional levels. This would ensure that inter-State disputes could be tackled before they degenerate into armed conflict and that, if need be, a continental peace-keeping group could be interposed.

Southern Africa and the left-over war of liberation

The left-over struggle for liberation at present concentrated in southern Africa is epitomized by the *apartheid* régime of South Africa. The policy of that régime challenges the whole course of development in post-Second World War Africa through its determination to perpetuate a racialist and colonialist policy. Happily, its imperialist hold on Namibia is already at an end with the triumph of the liberation struggle and unrelenting pressure by Africa and the international community.

However, the legacy of the militarization of southern Africa resulting from the *apartheid* policy of South Africa still remains. Indeed, *apartheid* poses the greatest obstacle to an African search for a non-military system of security.

The record of the South African régime has been one that encourages violence and militarism. Its system of internal repression has provoked equally violent resistance from the oppressed black people of South Africa generally and from the liberation movements that have been compelled to take up arms. Since the apparatus for the suppression of the black majority has not yet been touched by the current de Klerk Government, it is too early to expect the oppressed to let down their guard. In its bid to reverse the course of the wind of change that swept colonial régimes out of the continent and install a *cordon sanitaire*

around itself, South Africa gave support to internal subversion and openly committed aggression against its neighbours. To support its abhorrent system and aggressive policies, it has built a military capability far superior to that of any other country in Africa south of the Sahara.

South Africa's possession of a nuclear-weapon capability has further compounded the dilemma of Africa, whose clear preference is for non-proliferation of nuclear weapons and a nuclear-weapon-free African continent. It should be recalled that as early as 1964, in reaction to French nuclear tests in the Sahara, African heads of State and Government adopted in Cairo the Declaration on the Denuclearization of Africa. However, the development of South Africa's nuclear-weapon capability has impeded the elaboration of a legally binding instrument along the lines of the Treaty of Tlatelolco, which established a nuclear-weapon-free zone in Latin America. Rather, the fear of South African nuclear blackmail generated an African debate on the question of developing a nuclear-weapon capability in some other African countries. Many African intellectuals and some politicians made spirited pleas in support of this idea. The present position is of course that no member State of the Organization of African Unity has a nuclear-weapon capability. That is a situation I do not regret since I have always believed that a regional nuclear-arms race cannot be in the overall interest of African security. What is regrettable, however, is that Africa has made no headway in the development of the peaceful uses of nuclear energy.

Africa and armaments

In the area of conventional weapons, the evolution of events in Africa and the universal importance attached to militarization in inter-State relations have resulted in an African share of the arms race which, while small in global terms, is nevertheless substantial in terms of the share of available resources which it consumes. The intensification of the arms race of the super-Powers and their Alliances, coupled with their ideological rivalries and the need to spread their influence globally, have made arms supplies a crucial instrument of their foreign policy. Mwalimu Nyerere put it succintly when he wrote:

> "The selling of arms is something which a country does when it wants to support and strengthen the régime or group to whom the sale is made. Whatever restrictions are placed on that sale, the sale of any arms is a declaration of support – an implied alliance of a kind."

The pattern of arms supply in countries such as Angola, Ethiopia, Mozambique, and the Sudan shows the ideological political preferences of the suppliers and the recipients.

The internal factors that have stimulated the acquisition of arms by African countries are varied. With independence, the installation of a proper army was considered one of the essential attributes of sovereignty. It was to be more than just symbolic as various factors led to their rapid expansion. The fragility of the concept of the nation-State was soon apparent in many parts of Africa and thus an awareness emerged of the practical utility of an army to quell internal rebellion and in several cases to prosecute the civil wars which dogged several African countries. At the same time, border conflicts and territorial claims necessitated arms acquisition, as did the fear of aggression or subversion based on ideological differences. For countries in southern Africa in particular, the requirements of the liberation struggle and the dangerous threat arising from the aggression and destabilization of the *apartheid* régime of South Africa made arms acquisition imperative. Beyond the compelling reasons of national security, however, African arms acquisition was also influenced by the modernization campaign, which enabled many arms-producing countries to benefit from the recycling of petro dollars.

Far beyond the insignificant military expenditure of Africa in the early 1960s, the amount doubled every five years from the middle 1960s until it levelled off in the closing years of the 1970s. It was to decline sharply with the beginning of the economic crisis. In terms of percentage of total world military expenditure, Africa's share does not represent a large amount – only 1.5 per cent globally and 6.5 per cent of the expenditure of the third world in 1978, the median year. However, these statistics do not convey the whole picture. The percentage of Africa's share of foreign arms purchases was particularly high, since the continent produced hardly any weapons. Whereas in 1969 Africa accounted for less than 3 per cent of third world arms purchases, by 1978 the continent accounted for 25 per cent. Arms import as a percentage of

total African imports rose from 1.3 per cent in 1969 to 9.3 per cent in 1978.

The weakness of African economies makes the burden of military expenditure particularly heavy. Very little of such expenditure feeds back to stimulate the undeveloped African economy. Even where, as is often the case, the personnel costs of the armed forces are substantial, these tend to promote a demand for foreign goods and thus constitute a further drain on foreign exchange. There has been a decline in military expenditure since 1980—a decline averaging 9 per cent a year even in the oil-rich African countries, including Algeria, the Libyan Arab Jamahiriya and Nigeria. This decline has been due mainly to the drop in revenue from oil and the general economic crisis. When it is also observed that the peak period of military expenditures coincided with the boom years, conclusions can be drawn as to the military necessity as distinct from the political or the modernization syndrome which provoked the heavy outlay of those years. While military expenditure cannot be held wholly responsible for current African indebtedness—estimated at $250 billion—it is noteworthy that the arms purchase component is in some cases about 15 to 20 per cent.

In view of the unproductive nature of arms purchase, the continent has derived no returns from this vast outlay. Unlike the situation in other developing parts of the world, in Asia and Latin America, not even the fall-out of the acquisition of arms technology has rubbed off on Africa. Apart from *apartheid* South Africa, no African country south of the Sahara has managed to develop an arms industry. Africa has not been able to profit from the indigenous production of arms, which would not only have saved foreign exchange and obviated the present total dependence but, in a period of falling commodity prices, might have been exported for foreign exchange. Let us not forget that those developing countries that have become exporters of arms to Africa began the process of developing their capacity only within the past twenty-five years.

The real effect of high military spending on the economies of the developed countries is now being seen with the evolution of events in Europe. Even the super-Powers, it is now clear, have supported their ever-escalating military expenditure at tremendous economic and social costs. The widespread shortages of consumer goods and housing in the Soviet Union, the huge budget deficit and the pauperization of the lower

classes in the United States are clear examples of the opportunity costs of unrestrained military expenditure. It is now clear that economic considerations play an important part in the evolution of the policies of *glasnost* which has brought super-Power relations to the highest point of détente since the cold war began. The hope generated by the expected peace dividend is a justification of the long-standing proposition of a close interrelationship between disarmament and development.

The economic and social consequences of arms acquisition are even more dramatically demonstrated in the developing countries. Very often, arms acquisitions by third world countries in the interest of security are made at the apparent cost of primary or basic needs in the area of social and economic well-being. Given the fragile economic base, which cannot sustain the expenditure on arms on the one hand, and the equally fragile political base, which requires arms acquisition, self-preservation often dictated a choice of defence over development. The non-military threats to security are thus neglected, creating further cause for instability.

Economic problems in Africa

The present economic situation in Africa is in part the result of this dilemma. The critical economic situation has the potential of destabilizing the socio-economic and political development of individual countries as well as relegating the continent as a whole to the mercy of a new colonial status, this time not by metropolitan imperial Powers but by multilateral financial institutions and banks of developed countries. Africa's colonial status was itself a handicap in the race for development. Almost thirty years of self-determination, however, has not shown great improvement. In geographical terms Africa is the second largest continent with an area of 30.3 million square kilometres amounting to one-fifth of the earth's land mass. Its population of 553 million accounts for about 10 per cent of the world total. Its 52 independent States constitute the single largest group in the United Nations and some one third of its membership. The continent is endowed with varied resources, among them gold, diamonds, copper, zinc, iron and uranium. Its soil is fertile for the production of food and other agricultural products. Notwithstanding these impressive statistics, Africa remains the least developed continent, with the lowest share of world industrial production (2 per cent), lowest share of world trade (3 per cent), lowest

per capita income and the largest number of least developed countries. What is alarming is that rather than improving or catching up with other continents, Africa's economic situation over the past decade has deteriorated to the point where the 1980s is now being considered as a lost decade; the gap between Africa and the others seems to be widening. While the total share of global manufacturing in the third world has increased from 6 per cent to 14 per cent, Africa's share has not grown beyond 2 per cent. No country in Africa has made progress to join the rank of the newly industrializing countries which have sprung up in Asia and Latin America. There has been no economic miracle in Africa akin to those in Singapore, Hong Kong or South Korea, not to mention Japan, whose economy from the ashes of the Second World War has become the world's second largest. On the contrary, the record has been a catalogue of economic disasters. The hope for emergence out of its present predicament is made more difficult by the crushing debt burden of 250 billion dollars whose annual servicing obligation in some cases consumes more than half of annual income.

It should be noted that Africa shares with other developing regions the burden of an unjust and inequitable international economic order. Being almost totally dependent on the export of primary products, whether agricultural or mineral, Africa more than other parts of the third world suffers most from the effect of the constant decline in the prices of these products. Earning less and less foreign exchange at a time of increasing import requirements, Africa has over the years lived beyond its means, with a consequent accumulation of debt.

Besides this factor however, it is now generally acknowledged that instability, bad management and faulty planning have compounded the bad economic outlook. With the de-emphasis of agriculture and rapid urban migration, many African countries which had been self-sufficient with regard to food became major importers. Efforts at industrialization created assembly plants which, being dependent on massive importation of completely knocked down parts, could be productive only when there was an abundance of foreign exchange for the raw materials. Insufficient allocation of resources to education, health and other social welfare programmes has resulted in a continuing shortage of trained manpower in many relevant disciplines and in generally low productivity.

Mention should again be made of the expenditure of African countries on armaments, estimated at over 20 per cent of the continent's foreign debt. Besides the known outlay for acquiring weapons and its opportunity costs, the instability and violence created by the use of the acquired weapons to achieve military solutions to national or inter-State problems have had serious economic consequences. The large refugee population on the continent is a sad reminder of the mass displacement of peoples, whose potential productivity is lost to their countries of origin.

Effects of East-West détente

The present evolution of East-West relations in Europe has become a major factor in the likely course of events in Africa, inasmuch as it has created propitious conditions for a new concept of security de-linked from the accumulation of arms, and in favour of disarmament and greater East-West economic co-operation. The consequences for Africa will be both problematic and beneficial. East-West economic co-operation may portend some additional problems for Africa in the unequal competition which Eastern Europe may pose for Western capital. East-West disarmament however can be exploited to Africa's advantage. It should provide Africa with an example of security based on the lowest level of armaments, openness and mutual confidence and co-operation. An Africa that requires all its resources to bring itself into the mainstream of global development must learn a lesson from the European example. In addition, disarmament agreements between the super-Powers and their alliances will offer tremendous savings in military expenditure. Such savings will be particularly significant as a result of a conventional weapons disarmament agreement in Europe, since 80 per cent of annual military expenditure, estimated at $US 1 trillion, is spent on conventional armaments.

Of Africa's $US 250 billion debt, it is estimated that about 20 per cent is related to arms credit. An immediate benefit to Africa of the peace dividend arising out of disarmament could be a proposal for the immediate cancellation of the arms-related debt of African countries. Besides, part of the new money to be released by disarmament should be made available for financing a comprehensive debt reduction plan, the goal of which should be the elimination of all debts. For such proposals to be credible, there should be a clear indication of choice on the part of

African countries to eschew further arms acquisition and to avoid intra-African armed conflicts.

It should also be noted that East-West disarmament will greatly reduce international tensions and promote still further confidence, whereby the peaceful solution of problems will take priority. A shift in the global concept of security may reduce the interest engendered in African issues by ideological one-upmanship. For that reason, the fear has been expressed that African issues may be neglected in the aftermath of détente. In my view, there is as yet some uncertainty as to the strategic consequences of current events in Europe. While the Warsaw Treaty appears to be on the way to disintegration, the NATO Alliance is as yet unmoved. What Africa should fear is a unipolar substitute for a bipolar post-1945 situation. What Africa should work for, in its own strategic and security interests, is a multipolar evolution in which Africa will be an effective player in global affairs.

Political liberalization in Africa and confidence-building measures

Africa's response therefore will have to proceed from a quick effort to set its house in order. The era of self-perpetuation in power and of the all-seeing and all-knowing monolithic political structure is fast disappearing. The effects of the events in Europe are not likely to be felt selectively by the people in Africa. Political liberalism and multiple choice are essential ingredients for mass participation in the development process. The stability of the nation-State, like the stability of the family unit in each State, is essential for continental power. The disposition for peaceful resolution of intra-African problems should have the highest priority so as to avoid the inflaming of such problems by the dumping of arms that will become superfluous as a result of the evolution of events in Europe. Obviously this will mean that greater attention must be paid to the development of crisis management, conflict resolution and confidence-building measures in Africa. For Africa, crisis management and conflict resolution can truly be seen as an art of survival, especially in the light of the very marginal room the continent has for the use of its resources. This poses a great challenge to leaders on the continent. Peace-making and peace-keeping capacities must be developed through imaginative measures. This may include an

informal coalition of a small representative group of African countries to assume leadership in the early consideration of potential areas of conflict as well as in the training and designation of troops from countries that can afford to do so in OAU peace-keeping operations.

Confidence-building measures which will reduce the necessity for military rivalry with the attendant financial implications should be given priority. Among such measures could be a declaration of acceptance of present borders and the renunciation of cross-border claims. Such reciprocal renunciation of claims would promote good-neighbourliness and reduce the necessity for massive arms acquisition. Resources could then be devoted largely to national economic and social programmes as well as to joint economic programmes.

Economic Integration in Africa

Africa's greatest challenge in the 1990s is likely to be in the area of economic integration. While lip-service has been paid to the value of such integration, no progress has been made in its achievement. Africa's pattern of trade is still oriented mainly towards Europe, the United States and Japan. This fragmentation of the African market has compounded the external dependence of the continent. If Africa, which constitutes only 10 per cent of the global population, has one third of the world's States, it follows that African States are, on the average, small and economically fragile. In the words of Professor Adebayo Adedeji during a lecture on the subject "Africa in the Nineteen Nineties: A Decade for Socio-Economic Recovery and Transformation or Another Lost Decade",

> **"To ensure that we embark on a process of recovery, development and transformation in the 1990s, Africa needs urgently to pursue vigorously and relentlessly the path of regional and subregional economic integration."**

In the face of European economic integration in 1992, the North American free trade area already in place between the United States and Canada, the evolution of co-operation in the Asian and Pacific Basin, Africa has once again, observed Professor Adedeji, fallen behind the other continents in achieving a breakthrough in the establishment of a regional market and economic integration. "Regionalism", he

concluded, "and the inevitable concomitant development of the intensification of protectionism will make Africa a major loser in world trade."

Can Africa afford to lose the race again in the 1990s?

Review of Conflict Areas in Africa

Norman A. Kiondo

Introduction

There are many conflict areas in Africa and their presence is one of the major contributing factors to the critical socio-economic situation facing the continent. Some conflicts have been neutralized during their early stages while others have developed into full-scale wars resulting in great loss of human life, destruction of property and critical refugee problems.

Southern Africa

A review of the current conflict areas in Africa would point to the minority *apartheid* régime and its policies in South Africa and beyond as one of the main causes for insecurity, aggression, economic destabilization and an arms race in Africa. The international community in general, and the African States in particular, agree that the *apartheid* régime threatens regional as well as international peace and security. It is also agreed that the elimination of the *apartheid* system in South Africa and the attainment of independence by Namibia would greatly reduce the climate of tension in southern Africa and enhance the prospects for security, development, disarmament and peaceful co-operation throughout the continent. Fortunately, at the time of this presentation, the independence of Namibia is only two weeks away, but the struggle for the dismantling of *apartheid* will be a long process.

Border disputes

Another major source of conflict in Africa is disputes over borders. African borders were established by colonial Powers which were struggling for territorial expansion and did not take into account the prevailing ethnic or tribal distribution. Most of the borders inherited

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by African States at the time of their independence were therefore a potential source of conflict between them. The founding fathers of the Organization of African Unity foresaw this problem when in 1964 they passed a resolution calling on African States to respect the borders as they existed at the time of independence. They did so not because they believed the borders were faultless, but because they were convinced that questioning those borders and attempting to change them was bound to lead to unending misunderstanding and conflict among the new African States. Some of them believed that the solution to the border problem would be for African States to consider merging into larger units which would be more viable economically and at the same time would serve to reunite ethnic groups which found themselves in two —or even three—different States at the time of independence.

Because the 1964 OAU resolution on borders has not always been heeded, a number of border disputes have arisen between African countries. Some of these disputes were settled through peaceful means, mainly discussion, but, in certain cases, through arbitration by such bodies as the International Court of Justice. Other such conflicts have led to war before they were settled, sometimes after the intervention of neighbouring and other friendly countries and international organizations.

Past border disputes have included:

- the Ethiopia/Somali border
- the Tanzania/Uganda border
- the Guinea-Bissau/Guinea Conakry border
- the Senegal/Guinea-Bissau border
- the Chad/Libya border

This list is not exhaustive.

Currently, there is a conflict on the Senegal/Mauritania border which the Organization of African Unity, among others, is trying to resolve. I hope this workshop will come up with concrete proposals for confidence-building measures which would help to minimize, even eradicate, the root causes of border disputes in the continent.

Internal conflicts

The third group of conflict areas in Africa is found within States in which national groups or factions have challenged or are challenging the Government in power with a view either to replacing it, gaining a substantial change in the political structure, or carving out a portion of the State to form a separate, independent State. Examples of these conflict areas are:

- the conflict in Ethiopia over Eritrea
- the conflict in the Sudan over the southern part of the Sudan
- the conflict in Angola between the MPLA Government (Popular Movement for the Liberation of Angola) and the UNITA (National Union for the Total Independence of Angola) Forces
- the conflict in Mozambique between the Government and the MNR (National Resistance of Mozambique)
- the conflict within Uganda
- the conflict within Somalia

Again, this list is not exhaustive. Moreover, these conflicts are not necessarily confined within the boundaries of the States mentioned but in any case they lead inevitably to tension between those States and their neighbours, who are sometimes accused of supporting the factions opposing the Governments in power.

In addition to getting support on occasion from countries bordering their own, most groups or factions opposing their Governments get some form of financial, moral and material support from other States, including the super-Powers. This internationalizes what would otherwise be purely internal conflicts.

Effects of unresolved conflicts

The background leading to each of the unresolved conflicts in the continent is generally known, and I would not wish to go into their various histories. Whatever their source, the reality is that their continued existence breaks the peace and security which are so vital to national independence and development. Apart from the resulting destruction of life and property, these conflicts also lead to serious refugee problems in Africa, problems which African States ought to take

seriously. Taking care of refugees is important, but what is more important is to create conditions which will be conducive to the eventual return of refugees to the countries of their origins and to find means for prevention of any perceived need for peoples to leave their countries in the future.

A conflict which requires separate mention is that involving Morocco and the Saharawi Democratic Republic. The background to that conflict has been well documented. It has been the subject of many meetings of the United Nations, the Organization of African Unity and other regional and international organizations. It is a conflict which has eluded solution despite the several occasions on which it has appeared to be on the threshold of solution. It has invariably bounced back and re-emerged as something seemingly insoluble. It is to be hoped that the long-awaited referendum under the auspices of the United Nations will eventually take place and bring an end to this sad chapter of African post-colonial history.

Concluding comment

This review has been brief. I hope there will be a useful and detailed discussion, especially in the light of the fact that some of the participants in this workshop have been active in the search for solutions to some of the problems that have been specifically mentioned.

The Organization of African Unity and Conflict Resolution: Looking at the Past, Aiming at the Future

Yassin El-Ayouty

Comparisons between the decades

In May 1993, the Organization of African Unity will be 30 years of age. Having committed myself back in 1963 to write and lecture on the then newly-born regional organization, I wish to share with you a professional lesson which I learned in this endeavour in 1973. It was fairly easy for me to edit and publish in New York a book entitled: *The OAU After Ten Years: Comparative Perspectives*. Ten years later, namely in 1983, it was much harder for me to repeat the same process in connection with the OAU's twentieth anniversary. But eventually, and with encouragement from OAU Headquarters, I was able to publish a sequel entitled: *The OAU After Twenty Years.*

The difficulty I experienced is instructive in the context of my presentation this afternoon, entitled: "The OAU and Conflict Resolution: Looking at the Past, Aiming at the Future". The first decade of the OAU was relatively less problematic than the second with regard to conflict resolution and peaceful settlement of disputes. Independence was fairly young, the fathers of independence were fairly old. This is a crucial element in the African context, and the OAU, unlike any other regional organization outside Africa, is a true reflection of the way Africa conducts its business. Here we should note that the OAU, in its role as a mechanism for conflict resolution, is an organization that starts from its Charter, but then takes a variety of forms: the personality and standing of its Chairman and its Secretary-General; the role played by bilateral diplomacy between one African State and another; the influence exerted by one or more of its heads of State or Government beyond their national borders; the degree of cohesiveness within the African group of States, which is the largest regional group at the United Nations; and, perhaps above all, the personal and informal

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touch which permeates all African relationships—an element which enhances the value of workshops such as this one with regard to training in conflict resolution, crisis prevention and management, and confidence-building among African States.

With the massive emergence of Africa into independence in the early 1960's, the continent looked upon the Charter of its continental organization as a collective guarantee of national sovereignty and of the sanctity of the frontiers inherited from colonial days. Yes, there were, and will continue to be, territorial claims by one African State against another. Yes, there were ideological tensions between one group of States and another. Yes, there were secession attempts, the most important of which was the Biafra conflict in Nigeria. Yet, in the 1963-1973 period, Algeria and Morocco settled their Tendouf dispute through a functional solution—to exploit together for the benefit of all the mineral resources of that area in the context of Maghreb subregional unity. During the first decade, ideological tensions were submerged by the primordial preoccupation with the criminal ideology of *apartheid* in South Africa, as well as by the historic task of assisting the liberation movements in Southern Rhodesia, in the Portuguese territories, in Namibia, in South Africa, and in the Spanish territories to attain their States' independence. In the course of those first ten years of OAU existence the African inter-State system looked upon Biafra's attempt to secede from Nigeria as a crisis that could afflict any of its members, and felt that Nigeria should be enabled to overcome its internal difficulties.

A historic example of African OAU-inspired cohesiveness occurred in the late 1971 with regard to the Arab-Israeli conflict. The OAU Assembly of Heads of State and Government had earlier that year expressed its concern over the violation of Egyptian territorial integrity in consequence of the Israeli occupation of Sinai as a result of the war of June 1967. In the OAU political vocabulary, the question of territorial integrity is the other side of the coin of the sanctity of an inherited frontier. Four African Presidents, namely, Ahidjo of Cameroon, Gowon of Nigeria, Senghor of Senegal, and Mobutu of Zaire, constituting a committee of wise men, proceeded to visit both Egypt and Israel with a view to ascertaining whether Egypt would be ready for peace with Israel if the Israelis evacuated Sinai. That was the case in December 1971, when the United Nations Mission of Gunnar Jarring was unable to carry out its task. When the OAU committee of wise men met separately with

President Sadat of Egypt and Prime Minister Golda Meir of Israel, shuttling between the two countries, the four wise men were able to ascertain beyond any reasonable doubt that whereas Egypt was ready to sign a peace treaty with Israel if Sinai was evacuated, Israel was not ready to return to the international border which existed prior to the war of June 1967. Upon submitting its report to the OAU, the 36 African States which had maintained diplomatic and/or consular relations with Israel severed those relationships in order to uphold the cause of territorial integrity of one of the OAU's member States. Only after Egypt had signed a peace treaty with Israel in 1979 did African States begin to resume their formal relationships with Israel.

In short, the liberated African inter-State system saw in the OAU not only a formal organization, but an ideological framework based on the following principles: the sacred right of self-determination of all colonial African territories; respect for the frontiers inherited from the colonialists; non-intervention in internal affairs; non-alignment in the global super-Power rivalry; cohesiveness on the global stage, especially at the United Nations; and the total parity among African States, whether large or small, with regard to their rights and obligations. Africa has no African super-Power. Africa's elder statesmen used their considerable prestige as fathers of African independence to settle African disputes and to foster the oneness of the continent where the Sahara is regarded as a bridge, not a barrier. The technical weakness of the OAU institutional machinery for mediation, negotiation and arbitration—vital tools for peaceful settlement of disputes—was more than compensated for by the forceful roles of OAU chairmen, by the mechanism of the regular African summit sessions of the Assembly of Heads of State and Government (which is a unique feature of OAU, and which does not exist in either the League of Arab States or the Organization of American States); by daily activities of diplomatic interaction, through United Nations African group meetings and contacts; frequent visits by heads of State and other high officials, and the like.

In such a broad framework, the OAU, during its first decade, functioned, whether formally or informally, within a fairly predictable course. However, things did change in the period 1973-1983, and researchers and educators such as myself found the unpredictability of events affecting or being affected by the OAU to be very disconcerting.

That was a low period for the OAU in terms not only of conflict resolution, but also in terms of its vitality as an organization. How can we forget that the OAU, at its twentieth anniversary, in 1983, was on the verge of collapse when, in consequence of the Western Sahara issue, a group of States considered the launching of their own organization outside of the OAU.

It was a period where the usual OAU norms regarding boundaries, secession, foreign intervention, and refugees were not enforced. The second decade was an unfortunate period of escalation of conflict, of massive supplies of arms and military training by non-African powers, of debilitated or non-used institutions and procedures, and of attempts by some countries hosting the OAU summits to manipulate those high-profile African events to serve their own national goals, even if those goals ran counter to all African objectives. It was an incredible period, and one was nearly tempted to despair of the continental organization.

Looking at the past: the case of the Western Sahara

The Western Sahara is a case in point, which I shall use as a means of illustration of general trends. In a high-level workshop like this, the role of the lecturer is to point out directions and stimulate questions, leaving technical details to textbooks. With regard to the Western Sahara, let us keep in mind that for both Morocco and the POLISARIO the issue was one of decolonization looked at from two different perspectives. A word here about the political mind of that corner of Africa is in order. During the heroic Algerian war of independence, I was sent by the United Nations as official spokesman, following the signing of the Evian Agreement by President De Gaulle and the Algerian *Front de Libération Nationale* (FLN) in 1961. What I witnessed from my duty station between Oujda, Morocco, and the Western Sector of Algerian operations led by Houari Boumedienne could be summed up in one phrase: the deep commitment to erase completely the colonial heritage once independence was achieved. It was a creed that was enhanced throughout the Maghreb by the martyrdom of more than one million people in that northern African region.

It was not therefore surprising that, once Spanish rule over the Sahara ended in February 1976 Morocco rushed to claim what it regarded as "recovered provinces". Nor was it peculiar for POLISARIO to resist Morocco's claims by the force of arms. Under the United Nations General Assembly resolution on decolonization of 1960, decolonization was given forms which varied from independence, to integration, from federation to association with another State. Whereas Morocco, and for a short while Mauritania, read decolonization as integration, POLISARIO saw in Morocco's occupation of the territory a travesty of the Saharan right to self-determination. Looking at the OAU Charter, with its ceaseless emphasis on the right to self-determination, and at the ideology of the exercise of the right as developed by the United Nations Special Committee on Decolonization, especially under the leadership of Salim Ahmed Salim, it was to be expected that the majority of OAU members would side with the principle of the Saharan free choice.

With the POLISARIO declaration of the independence of Western Sahara as the Sahara Arab Democratic Republic (SADR) on 27 February 1976, the OAU could no longer risk ambiguity, although it risked division in its ranks. Principle came before structure. The efforts by the OAU to find a solution through its Liberation Committee and other high level contacts were overtaken by events. No previous event had as much impact on the OAU machinery of conflict-resolution as did the Sahara issue. At its twenty-sixth session in Addis Ababa, the OAU Council of Ministers concluded only that the self- proclamation by POLISARIO of SADR was *ad hoc*. Aware of the grave consequences to African cohesiveness in the context of the OAU and the United Nations, the thirteenth Assembly of Heads of State and Government, meeting in Mauritius, decided to debate the issue and to hold an extraordinary session with the participation of the people of Western Sahara to find a lasting solution. None the less the OAU summit affirmed the sacred right to self-determination.

At its fifteenth summit, in Khartoum (1978), the OAU reaffirmed the principles and objectives of its Charter, especially regarding "the total decolonization of the continent", and reaffirmed the OAU responsibility regarding the search for a fair and peaceful solution. The Khartoum summit created an *Ad Hoc* Committee on the Western Sahara, made up of the Presidents of the Sudan (Chairman), Guinea,

Mali, Nigeria and Tanzania, to study ways and means for implementation of its resolution (AHG/res. 92.(XV)). Then came the big confrontation at the OAU's seventeenth summit, of July 1980. The summit took place after 26 member States, a majority, had recognized SADR. The *Ad Hoc* Committee of five Presidents had not been able to resolve the issue; the armed conflict had escalated; Mauritania had withdrawn from Sahara territory – a vacuum which was filled by Moroccan armed forces – and had recognized the right of the Saharawis to determine their future; the super-Powers pumped in more arms either directly or indirectly; and the debate was confrontational. The States recognizing SADR insisted on its immediate admission to the OAU, under Article XXVIII of the Charter, and Morocco insisted that whether SADR was an "independent African sovereign State" was an issue of interpretation, which, under article XXVII, could only be resolved by a two-thirds majority of member States. Having gone to the brink, the OAU, through Nigeria's intervention, pulled back and reached a compromise. Under the compromise, the OAU *Ad Hoc* Committee had agreed to co-operate with Morocco, and was allowed to complete its mandate to achieve a cease-fire and a general referendum. The summit Assembly agreed to shelve, for the time being, both the issues of admission and of interpretation of Charter provisions. An admirable high-wire balancing act by the OAU.

At its eighteenth summit, held in Nairobi in June 1981, King Hassan II attended in person and declared his willingness to have a "controlled referendum", and his readiness for a cease-fire on a date to be agreed upon later. Consequently, the summit decided to set up an implementation committee to follow up on those understandings, but also called for an immediate cease-fire. When the Implementation Committee met in Nairobi in August 1981, it set out detailed provisions on the conduct of the referendum and on the cease-fire which was to take effect on a date to be fixed by the Committee. As to financing, the then Chairman was requested to consult with the United Nations to find out to what extent it could assist. By February 1982, it became clear to the Implementation Committee that Morocco would not recognize POLISARIO, and hence no negotiation, no cease-fire and no campaigning for a referendum were possible. At its thirty-eighth session, in February 1982, the Council of Ministers admitted SADR as the 51st member of the OAU.

This brings us to the attempted nineteenth OAU summit in Tripoli, in July/August 1982, which could not be held. The failure of Tripoli I resulted from attendance by SADR, which caused the withdrawal of Morocco together with 18 other member States, thus depriving the OAU of a quorum, whose minimum is 34. Thus the first OAU split and general paralysis took place due to rigid Charter provisions regarding a quorum (Article XIV). In the search for continuity, the OAU reached another compromise. The compromise, arrived at to enable Tripoli II to be convened, called for SADR to absent itself to save the OAU. But when Tripoli II was convened, in November 1982, in an attempt to hold the nineteenth summit, the question of who represented Chad paralyzed the OAU. The split in the OAU in late 1982 revived the appellation of "radicals" and "moderates" depending on whether the preference was for the seating of Oueddi or of Habré. The ghosts of ideological splits of the continent of the late 1950s and early 1960s between "the Casablanca Group" and "the Monrovia Group" were again out of the African Continental closet.

Once more another OAU committee (the Committee of 12) was formed to save the organization. When the nineteenth summit Assembly was finally convened in Addis Ababa from 9 to 12 June (by then the OAU had missed its twentieth birthday), SADR withdrew voluntarily but temporarily.

The search for a solution to the Sahara question goes on, with the ball now in two courts, the United Nations and the OAU. While the United Nations still regards POLISARIO as a movement representing the Saharawi people, the OAU looks upon SADR as a State whose people have already determined their destiny. Thus when the African group meets at the United Nations, SADR does not attend that United Nations gathering. Conversely, when the OAU membership is convened at the OAU Offices in New York, SADR attends and Morocco stays away, scrupulously observing its present boycott of the OAU.

Together with the United Nations, the OAU remains formally engaged in the search for a final solution of the Sahara question. But since 1983 the main action on the question is at the United Nations, except that there was a United Nations-OAU visit to the Sahara in 1987. It seems now quite possible that with the restoration of relations between Algeria and Morocco, and the general global thrust towards the peaceful adjustment of disputes, the scheme for an internationally

supervised referendum subsequent to a cease-fire may go forward. These are realistic hopes.

The Secretary-General of the United Nations appointed in February of this year a new Special Representative to handle the United Nations contribution to the resolution of this conflict (which was already described at this Workshop by Ambassador Kiondo as "a sad chapter"). The OAU role in ending this conflict will need to be carefully orchestrated with the United Nations in view of the fact that the OAU membership includes at present one of the parties to the dispute, namely SADR, and does not benefit by Morocco's presence. A primary lesson to be learned here is tnat the multiplicity of international organizations involved to various degrees in this issue have provided a platform and credibility for various parties to the dispute. SADR has its OAU representation; its liberation movement, POLISARIO, is a petitioner at the United Nations; Morocco and Algeria have their representation at the United Nations, in the League of Arab States, the Conference of the Islamic Organization and the Non-Aligned Movement. No party was left out in the cold. None of these organizations has tried to edge out a sister organization – no competition, no auctioneering, no jurisdictional disputes. Our world of international organizations has matured. A peace-keeping operation in the Sahara would need to benefit particularly from the recent United Nations Namibia experience. It shall also need to take into account what the Secretary-General of the OAU described in our workshop as "the lessons to be learned from the Chad peace-keeping operation of the OAU".

In fact, without prejudging the form of international action needed in the Sahara, a joint United Nations-OAU operational framework would seem to fit the exigencies of the situation. Who would vote, if a plebiscite were launched, is perhaps the most difficult question to answer, because the war of numbers of the Saharawis has gone side by side with the shooting war. To what extent United Nations experience in plebiscites would help to settle the war of number, we do not know. But statistics in this case would be a reflection of the political will to settle the conflict. Settlement is what all the parties need and want today, in the global movement to end regional disputes and to get on with the primary endeavours of economic and social development. The Maghreb Union, a subregional organization, would be an appropriate framework to play an important role.

Aiming at the future

There is no doubt that the OAU, as it approaches the end of its third decade in 1993, will face newer issues dictated by the global events of 1989 as well as by its own experiences. But whatever agenda is thrust upon this continent, we shall need the OAU in one form or another. Were the OAU to collapse or be abandoned, either as a result of apathy or of unbearable challenges, Africa would then be open to endless armed conflict; there would be no restraint on forceful violations of the inherited frontiers or on interventions in the internal affairs of States; internal fragmentation forces within States would be on the loose with or without cause; power bloc politics would overtake Africa; subregional organizations such as the Southern African Development Co-ordinating Conference (SADCC) might not be able to ensure subregional cohesion.

Having said that, we should attempt to revitalize the OAU, possibly in three ways: (a) some Charter revisions aimed at bolstering its mechanisms; (b) the institutionalization of OAU experiences in conflict resolution; and (c) enhancement of the capability of the OAU Secretariat, especially with regard to inputs in the work of the Council of Ministers.

As to Charter revisions, it would be advisable to abandon the two-thirds quorum requirement for convening the Council of Ministers and the Assembly of Heads of State and Government. In both the Sahara and Chad questions, walkouts by States prevented the OAU from functioning. Decisions by the summits Assemblies are mere recommendations in any case, so why not replace the two-thirds quorum requirement by the United Nations Charter provisions regarding voting in the General Assembly by a simple or two-thirds majority of those "present and voting"? The quorum problem prevented the convening of extraordinary as well as ordinary summits and of meetings of the Council of Ministers when the Sahara was burning.

It also seems to me that article XIX, relating to the comatose "Commission of Mediation, Conciliation and Arbitration", should be amended, to give rise to an OAU Security Council. This idea was first proposed by the Sudan in 1978, then revived by Sierra Leone in 1980. Membership of such a council would be elected, by the OAU Assembly for specific periods, without permanent membership. All OAU Members would undertake to accept the measures decided upon by the Council, and peace-keeping would remain within the purview of the

Assembly. The purpose or function of such a mechanism would be to enable the OAU, in conflict resolution situations, to act with dispatch and effectiveness. The Chad crisis had gone on for a long time, and even witnessed the open introduction of foreign troops and massive foreign war material, before the OAU was able to act.

It also appears that in the matter of admission of new member States, article XXVIII of the OAU Charter imposes onerous duties on the Secretary-General, which at times may undermine his standing. Witness the SADR admission episode. Why not free the executive leader of the OAU from these ostensibly technical burdens which could be left directly to the Council of Ministers to decide upon, while increasing the authority of the Secretary-General in other substantive areas of decision-making? Statutory and practical constraints on the role of the Secretary-General should be reconsidered with a view to their removal.

We have noted the informal manner in which Africa, through the OAU, conducts its business, at times successfully, at other times unsuccessfully. These experiences should be codified whenever practical, with a view to ensuring continuity. In the United Nations, nearly every substantive department of the Secretariat has to produce what is known as a "repertory of practice". This is a reference guide as to how Charter articles have been put in practice in various forms and contexts. It is an ongoing history of Charter implementation in all kinds of situations. It is a tedious job, but it is highly valuable for reference to past practice, including the practice of conflict resolution. I am unaware of any similar exercise in the OAU, which in this case, would attempt to codify the efforts of the OAU into illustrative texts of continuity or innovation. Here the difficulty would arise from the general weakness of institutionalization within the OAU, but this is surmountable.

Moreover, itinerant OAU summits have subjected the organization at times to the politics of the host Government. Why not stay home in Addis, be free to act, save money, and energize the Secretariat? After all, "there is no place like home".

The problem of funding of the OAU is a perennial one, and should be tackled innovatively if the Organization is to be enabled to face the new challenges of the 1990s and beyond. The United Nations Charter Article (Article 19) regarding members in arrears should be considered for the OAU.

The question of enhancing the capabilities of the OAU Secretariat regarding work on conflict resolution is an urgent matter of recruitment, training and motivation. Two important areas call for attention: work on plebiscites, and involvement in peace-keeping and peace-building. The United Nations has a practice of co-opting from all departments of its Secretariat staff for these two important functions. The collective body of experience is immense and some cross-fertilization and joint exercises between the staffs of the two organizations would be commendable.

In aiming at the future, we would miss the target if we did not reflect, at least by way of conjecture, on the possible impact of recent events in Eastern Europe on the OAU future agenda. Today we have a global situation wherein the two super-Powers are acting in concert, not in rivalry. Non-alignment, strategic importance, and bilateral aid from one or the other of the super-Powers were, to a great extent, criteria and functions of the former rivalry between Moscow and Washington. Now we are entering upon a period when NATO is transforming itself into a political institution, when a unified Germany is expected to be part of NATO with Soviet agreement, when ethnic rivalries may change the face of Europe, and when the single European market envisaged for 1992 may become a vehicle for an all-Europe integration and development process. Where is the OAU, with regard to conflict resolution, from all of these historic and global earthquakes? Where is the OAU, from an overall plan for economic and social development in Africa, alluded to by Ambassador Otunnu at our workshop?

It is difficult to read the future of these changes from an African perspective when their meaning from a European perspective remains unclear. But a few suggestions regarding a newer OAU agenda may be in order. As Mr. Akashi reminded us at the workshop, the OAU Assembly in 1985 stressed the interrelationship between security, disarmament and development. It is possible to predict that foreign aid to the continent may decline; that foreign indebtedness could worsen; that religious animosities, in the absence of an all-African agenda for development, would be aggravated; and that our overall standard of living on the continent, with few exceptions, will decline. Isn't it time to look afresh at the newly created subregional organizations, like SADCC, the Economic Community of Central African States, the Economic Community of West African States, the newly revised East African

Community, the Arab Maghreb Union and the like, as links in a chain of integration which may be gradually welded under the aegis of the OAU? It is also time to look at our human rights record and inter-ethnic relationships in light of the impact of the new Europe on Africa and the rest of the Southern world. It may be prudent to anticipate new inter-tribal and inter-class tensions within States. We can foresee aggravation of border tensions unless we affirm again the sanctity of the inherited frontier except when changed by mutual consent. We must also be ready for a possible set-back to the freedom march in South Africa. The OAU should also stimulate all African education in the art of democratic rule within the framework of our African heritage. The African tribe has always been a democratic participatory vehicle whose norms should be projected on the national plane. In this scheme of things, our respect for the human rights of the African person and African minorities is the corner-stone of a national democratic consensus. Is it possible to do all that? How can we plan simultaneously to feed our growing populations (in 40 years the world will have 10 billion people, double its present number), catch up with the age of technology, clean our environment, and pay our debts? I believe it is "doable". In fact it is mandatory. A new agenda for the OAU and conflict resolution await all of us.

Confidence-building Measures in Africa

Paul M. Rupia

As long as people and nations pursue different and usually conflicting interests, there will always be disagreements, disputes and conflicts. Among areas that breed inter-State and intra-State conflicts are non-respect for national integrity, socio-economic and political policies such as racism, intolerance, discrimination in all its forms and economic pressures in all their manifestations. While these tend to be considered as old causes of conflict between and among nations, modern society has produced new sources of conflict such as unemployment, drugs, underdevelopment and, closely related to that, third world debt and the imbalance between industrialised and non-industrialized countries. Most recently, it has become clear to everyone that there is a disturbing trend towards degradation of the environment which is, in large measure, man-made.

In the past three decades, Africa has had her share of conflicts both inter-State and intra-State. It is accepted that the main source of these conflicts has been the legacy of colonialism as well as the post-colonial dependence. These have combined to form unstable political and social situations at the national and regional levels.

Upon independence, most African states had very fragile institutions. Lack of nation-building institutions produced inter-communal distrust, tension, stress culminating in open violence and similar manifestations. In Africa, these incipient conflicts have taken different forms.

Economic stagnation and North-South conflict

The last decade has been described as a lost decade for Africa in so far as economic and social development is concerned. Most countries had to cope with deteriorating and negative growth. While their GNPs were falling or stagnating, most of them experienced a

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worsening balance of payments situation requiring painful economic structural adjustment programmes. The adoption of relevant remedial measures, though characteristically a matter of domestic policy, have sometimes contributed in the erosion, therefore undermining national cohesion. Not uncommonly, such measures served as a catalyst to the breakdown of Governments and in certain cases led to coups, counter-coups and plots giving rise to national instability, with spill-over effects to the whole region. Established statistics indicate that if we take 1988 as the base year, there have been no fewer than 25 armed conflicts in Africa. Out of the 25, 4 countries have been involved in 7 conflicts.

Apartheid

Viewed from regional approach, it is possible to discern three intractible situations which have bedevilled efforts to establish peace and stability in Africa. To the South, *apartheid* in South Africa has been a source of violence and instability engulfing the whole of southern Africa. South Africa has not only sought to dominate the region economically and militarily, but it has deliberately pursued policies of intervention, subversion and outright military action against its neighbours, notably Botswana, Swaziland, Zimbabwe, Mozambique, Angola and Zambia, with the sole purpose of dominating them politically and economically. Until recently, it had rebuffed international efforts to bring independence to Nambia, which it occupied illegally. Southern Africa has, therefore, been ravaged by *apartheid* and colonial wars with gruesome consequences to life and property. The flow of refugees fleeing from the violence has increased the economic burden of the countries involved quite apart from the direct and deliberate destruction to their property and intrastructure worth billions of dollars. The instability stemming from South Africa's destabilization policy has afflicted all the States in the region. It has interfered with the normal processes of development and exacerbated internal national tensions and hindered solidification of inherantly tenuous cohesion. Even with the independence of Namibia, the instability and insecurity of these nations will not be quickly restored because the internal political situation in white South Africa has not been tackled. The potential for intra-national stresses resulting from years of false nationhood narrowly based on tribe, will, for a long time to come, continue to fuel suspicion and mistrust. The instability in South Africa will in turn increase

intra-State tensions and lead to armament buildups whether out of legitimate security concerns, or the pursuit of hegemony.

Territorial disputes

Another regional area that has not enjoyed peace almost from the inception of political independence has been the Horn of Africa. Here, irredentism of the part of some nation States, born through the creation of States without common culture or history, a mix of ethnic/tribal and religious intolerance, has produced violent confrontations. I am referring to Ethiopia and Somalia, which have had several border incidents one of which resulted in the undeclared war. Eritreans, too, have for years disputed Addis Ababa's rule in Eritrea, resulting in violent destruction to life and property with thousands of civilian casualties and the almost perpetual threat of starvation and hardship. Though to a lesser extent, the same uneasy political atmosphere prevails along the common border of Somalia and Kenya.

In this regard, it is vitally important that existing covenants in international law be observed by all States. The validity of the resolution of the OAU on the respect of borders and boundaries inherited at independence, however arbitrary, is sacrosanct. This had been amply demonstrated by the nations and States concerned in their quest to preserve sovereignity – including non-interference in their internal affairs, their territorial integrity, their inalienable right to independent existence – at all cost. Notwithstanding the existence of these basic principles, their practical translation, subjective at times, has contributed to instability and tension. How does one strike a balance and still remain an advocate of these principles? When is it right to speak out in defence of a principle without being accused of interfering in the affairs of another State?

The Palestinian problem

There is yet another African security problem which is peculiar to the Northern part of Africa, but whose source emanates from farther away – in the Middle East. The Arab/Israeli dispute has exercised the African Arab nations of Egypt, the Sudan, Algeria, Morocco, Tunisia and Libya, and to some extent Mauritania, for over 40 years. For Africa, the Middle East conflict has brought the threat of war nearer and the

possibility of super-Power intervention to reality. The OAU has not been able to completely steer away from the conflict. Its nature has led to intra-State friction and policy disputes between African States in that region, which have erupted to the detriment of solution of their fundamental problems. At issue most of the time is the matter of differing perceptions and sharp disagreements over tactics and emphasis. As a consequence, threats of war and actual skirmishes have not been far removed from neighbours in the region.

Arms buildups

It is not far-fetched to mention the security problem arising out of the acquisition of armaments by African States. Its rationale has always been dictated by the right of a State to preserve its sovereignity and security. It is therefore considered perfectly legitimate for a State to procure arms to deter or resist aggression. It is also true that the ability to procure armaments of varying sophistication depends upon the state of the economy of a given nation. As a consequence, arms procurement has been priority number one in budgetary terms. This has had direct consequences on the performance of the economy, the level of development and, eventually, the country's ability to acquire yet more arms.

The theoretical assumption here is that security needs are much more likely to be fulfilled by a wealthier country, both in terms of GNP rating and of endowment of natural wealth and resources. Yet Africa's weapon procurement policies have had little relationship with these economic realities. The levels of armaments and range and quality of military equipment bought have borne little relevance to the immediate needs in most African countries. Instead of military buildups enhancing development, the effect has normally been the reverse. They act as a heavy drain on the meager resources available. At the same time, the arms do little to reassure neighbours who grow nervous while at the same time becoming anxious not to lag too much behind in the race. A real difficulty arises here: How to find a formula or mechanism which, on the one hand, would curb and control the manufacturing of and procurement to what would be deemed adequate stockpiles to satisfy legitimate individual security needs and, on the other hand, to define these defence and security needs without encroaching on one's sovereignty.

Method and the practice

To assess the African experience in confidence-building measures one cannot but start with the OAU Charter. Article III (ii) provides for a Commission of Mediation, Conciliation and Arbitration, whose membership is drawn from among member States.

Conciliation and mediation

The nature and manner in which inter-State conflicts occur seem to militate against a judicial approach of a conciliatory nature. For this reason, experience has demonstrated that the political approach is far more effective for dealing with inter-state disputes and conflict.

Peace-keeping forces

Even when the OAU secretariat wishes to take prompt action to intervene in a crisis situation, such intervention can be made much more successful if it is coupled with the personal involvement of one or a small group of leaders whose stature is recognized and respected by the disputants. The OAU does not have a recognizable peace-keeping force. Attempts to set up such a force are usually defeated due to the intervention of extraregional Powers and the sheer costliness of the operations.

Summitry

Summit meetings have acquired great importance in the process of confidence-building. Leaders meet and get to know each other. In the case of the front-line States, such close personal contact between the leaders has forged closer interaction among officials in the social, political and economic fields.

Communications

Communication between African States is very poor. The same can be said of internal communication within the States. Most of the borders between them are very porous indeed. They extend for hundreds of miles and are rarely patrollable unless a state of tension and belligerence exists. This is not to say that they should be violated willy nilly. As much as possible, free movement of people should be allowed

but also regulated. There are obvious points of friction. For instance, when border trade has reached alarming proportions and the nature of goods passing to and fro is illegal, dangerous or contraband, this has to be stopped. It is possible to arrange credible inter-border meetings of officials with a view to minimizing such emerging frictions while working out at the same time mutually acceptable practicable solutions.

Levels of economic development

Sharp differences between neighbours in economic development tend to give rise to other problems. Invariably such differences are a reflection of social, economic and political policies pursued by the respective countries. Whatever the merits or demerits of the principle of non-interference in internal affairs, when people start voting with their feet by crossing over to another country, tensions and disputes occur. Regrettably, more often than not, such tensions and disputes if analyzed can be traced as originating with a small clique of power hungry individuals. The issues of democracy, human rights and freedom get buried in the wave of artificially created intra-State conflicts. The impatience and sometimes the arrogance of the leaders in power, be it in the civil or military circles, makes them appear to seek to deny the people of their fundamental democratic and individual rights. Genuine political grievances are portrayed as subversion or as straightforward matters of law and order. In the course of the time, dictatorship is born out of these situations, and is followed by coups and counter-coups with all their ugly consequences.

All these are difficult questions, and no one can pretend to have an answer to them all. It is, however, important that leaders in Africa take a more critical look at these issues and ensure that they win the confidence of the people they govern. Unless these matters are addressed seriously, the clamour for violent change and redress will increase.

Regional co-operation/integration

The tactics of the *apartheid* régime, in particular its destabilization policy and the realization of its so-called total strategy policy, taught the front-line States in the 1970s that they had to forge a common front, not only politically, but also in the economic and social

fields. The Southern African Development Co-ordinating Conference (SADCC) was formed partly in response to South Africa's policy of exploiting those countries' economic dependency, and forcing them to join what it envisaged would be the Constellation of Southern African States (CONSAS). Every country in the region resolved that, if the South African designs were to be thwarted, collective co-ordinated action was crucial. For the front-line States and other countries in the region, *apartheid* and the policy of destabilization meant death, destruction and instability around them. From the economic point of view, SADCC provides a partial answer to South Africa's designs as well as greater confidence in the countries concerned. It is for this reason that efforts by the OAU and the Economic Commission for Africa (ECA) to encourage closer regional and interregional integration and trading patterns among African countries are viewed as steps in the right direction. It is in this context that the Eastern and Southern Africa Preferential Trade Area (PTA) is equally viewed as a natural follow-up of what had been experienced by the front-line States. In terms of the methodology of confidence building through economic co-operation, the PTA covers a bigger population and wider geographical expanse.

Sadly however, very few of the African countries see the depth and tremendous scope of the gains that can result from closer regional and inter-State co-operation. South-South co-operation cannot go by the rules of North-South exploitation and co-operation. Between and among African countries, we still have the problem, pointed out earlier, of unequal economic development. This it is not unique to Africa but is more common there. Differences are bound to become more conspicuous as current realignments in the European socio-political situation merges with an inevitable reassessment of defence and security strategies.

Mutual trust and confidence

To achieve mutual trust and confidence requires the development of a spirit of accommodation. Such accommodation seems to be what the super-Powers are trying to establish in Europe and Latin America. Yet in their quest to achieve a new era, they are not abandoning their original objective, which is that of protecting their respective perceived interests. I submit that, as far as the super-Powers are concerned, the confidence-building measures they are establishing

will not necessarily mean cessation of military activities. As far as they are concerned, military activities will be a matter of the past only when they are satisfied that credible mutual trust and confidence have been established, for military power blocs – even at reduced levels – are still regarded as shock absorbers. And for their alliance countries, the blocs serve as a confidence-building measure against a would-be trigger happy adversary.

As far as Africa is concerned, the legacy of colonialism and neo-colonialism still exists. The *apartheid* régime of South Africa is still intact, with all its instruments of death and destruction. For years the main deterrent to the designs of *apartheid* against the majority of black people in South Africa and the neighbouring countries in the region has been the threat and application of sanctions by the international community. The armed struggle pursued by the African National Congress (ANC) has been equally a major threat to the *apartheid* régime of South Africa.

To the oppressed people of South Africa, therefore, the ANC's armed struggle and the international community's sanctions have been their only hope. Armed struggle and sanctions continue to be the main line of defence for the defenceless people of South Africa. To them, the imposition or threat of sanctions against South Africa offer comfort and confidence to endure further hardship.

Ironic as it may sound, the other countries in southern Africa will also feel threatened if the ANC abandons the armed struggle while the policy of *apartheid* is still in place. Equally true, the resolve and confidence of the oppressed people of South Africa itself will be compromised if the international community relaxes the policy of sanctions against the *apartheid* régime. The countries in southern Africa themselves, for historical and economic reasons, cannot apply sanctions. Yet their survival as independent States depends on the continued application of sanctions and the continued existence of a strong ANC. As long as gunboat diplomacy is being practiced by South Africa, sanctions against that régime remain the only confidence-building measure with which to face further threats of destabilization and aggression.

Workshops

This workshop in Arusha is the most practicable means of enhancing confidence-building measures. A discussion, however unsuccessful in terms of reaching agreement on the issue under discussion, is none the less a step towards rethinking, self-reassessment, and a "get to know you better" process. There are countries where the majority of people cannot travel beyond the districts they were born in, let alone afford a jet ride hundreds or thousands of miles across frontiers. Many are aware of the existence of fellow Africans, but have no real conception of the relationships beyond those they have engendered with their fellow neighbouring tribe or citizens. As relationships expand, a major impediment to peace will have been removed.

Those who bear the heaviest brunt of the work essential for progress are fortunately or unfortunately diplomats like ourselves here. Diplomats are sent to try and sometimes to do the impossible, to reconcile the irreconcilable. That is why it is frequently said that diplomats and other messengers of peace are but untried perjurors. In reality this is an understatement. Be that as it may, a veteran diplomat and internationalist, Brian Urquhart, offers some food for thought for those engaged in the business of confidence-building:

- Don't tell everyone what you think they want to hear. The essence of the game is to establish confidence, which takes a long time;
- If you want to establish confidence, it is no good telling lies, which are always found out in the end;
- Don't rely too much on reason, sometimes an appeal to fear, prejudice or vanity is more effective;
- Don't get dragged in on one side of a conflict and then expect to be accepted as impartial;
- Don't expect to be popular – respect will do; and last but not least,
- Don't ask people you are dealing with to commit suicide. To provide them with a graceful way out of difficult situations should be the aim.

International and African Legal Norms relating to the Non-Use of Force

Tafsir Malick Ndiaye

The planet, one might say, is bristling with sovereignty. The international order, in other words, is basically an order in which States are the authors and the recipients of norms. This indicates an absence of any supra-State or supranational institution that might rule inequitably.

Recourse to coercion in the international order is linked to the issue of punishment under international law. It presents itself as a way to ensure the effectiveness, that is, the prescriptive force, of international law. It should be kept in mind that eminent writers, such as Austin, have denied the juridical nature of international law on the grounds that there is no system of effective penalties, but this is an error in judgement, because the penalty is not a pre-condition for the existence of a norm, only for its enforcement.

It is obvious, nevertheless, that a legal system cannot avoid some coercive power without becoming ineffective; its moral force is never strong enough. Hence the need to establish a system of coercion that may be used against delinquent subjects. In this context, coercion becomes a legitimate component of the international legal system, a privileged element in its implementation.

It should be noted, however, that the use of coercion has been tainted. Historically, it has been an *a posteriori* legitimation procedure for disreputable attitudes on the part of Powers, and it therefore became necessary to regulate it in the international order. The act of coercion is in itself conducive to a breach of the peace, particularly when it involves States. From this point of view, the international community seems deeply immersed in a state of two-fold dialectical tension, because it is acting in a world of conflict. It wants to make "war out of peace and peace out of war"; hence there evolved the process of prohibition of the use of armed force, which was to culminate in the Charter of the United Nations.

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The principle of non-use of force in international relations was to be accepted in regional and subregional organizations throughout the world, and particularly in Africa. We will examine the history of the principle before considering its acceptance in Africa.

The principle of non-use of force

The principle of non-use of force in international relations gained acceptance gradually. In the past three centuries, war was regarded as a lawful relationship in which might was right. The State was the judge of its own case. That is why traditional international law made little effort to regulate the use of force. Military victory even came to mean "international prestige" for States and glory for peoples.

Thus, until the end of the first war to be called a world war, war was perceived to be a normal expression of the sovereignty of States, and they were apparently free to wage it. The history of the principle of non-use of force has four stages.

It was early in this century now drawing to a close that we witnessed the first attempt at regulation, with the Hague Convention of 1907 – the result of a diplomatic initiative prompted by the excessive use of armed retaliation. It was intended to prevent retaliatory operations, such as naval blockades and shellings of ports, as practised by European Powers (Germany, Italy and the United Kingdom) against Venezuela in 1902. That country had been unable to honour its commitments to pay debts contracted with European nationals, because it had just emerged from a civil war. The situation was of particular concern to the Latin American Governments and the United States, which dreaded any European intervention on their continent (in keeping with the United States "Monroe Doctrine"). It was then that the Minister for Foreign Affairs of Argentina (Luis Drago) formulated his famous doctrine:

> "The collection of public debts by force is contrary to international law. The use of force in such a case is contrary to the sovereignty of the debtor State and to the aleatory nature of that type of debt."

The United States decided to take advantage of the second Hague Conference to make that doctrine a rule of treaty law. It was to succeed in that enterprise under the leadership of its plenipotentiary, Mr. Porter; hence the popular title of the resultant treaty. The official title is "Treaty

concerning the limitation of the use of force in the collecting of contractual debts".

The principle underlying the Drago Doctrine is set forth in article 1 of the Treaty, which reads: "The Contracting Powers have agreed not to use armed force for the collection of contractual debts claimed from the Government of one country by the Government of another country as being owed to its nationals".

The second stage was the Covenant of the League of Nations. The Preamble to this legal instrument states that the Powers must accept "obligations not to resort to war". The Covenant distinguishes "unlawful wars" from "lawful wars". The principal hypothesis in respect of the former relates to wars of aggression, which are prohibited under article 10. The other hypotheses are intended to establish an intimate link between prohibition of the use of force and the obligation to settle international disputes by peaceful means. Among the situations covered are a war that is started before any effort at peaceful settlement is made (article 12), and a war waged against a State that abides by the recommendations of the Council of the League of Nations (article 15, paragraph 6).

"Lawful wars" refers to wars justified by the protection of a right "which by international law is solely within the domestic jurisdiction" of States (article 15, paragraph 8), those undertaken in exercise of the right of self-defence, and those waged against a State that refuses to abide by an arbitral award or judicial decision.

The third stage in the process of prohibiting the use of force in international relations was the Kellogg-Briand Pact of 26 August 1928. At the start of negotiations between France and the United States on the renewal of an arbitration treaty in 1927, the French Minister for Foreign Affairs, A. Briand, proposed to his American counterpart, Kellogg, the addition to the Treaty of a commitment by both States to renounce all recourse to war in their mutual relations. Kellogg suggested that the negotiations should be opened to other States with a view to concluding a multilateral treaty prohibiting war. The Treaty was signed by 15 States and opened for accession by all other States. Article 1 reads: "The High Contracting Parties solemnly declare ... that they condemn recourse to war for the solution of intenational controversies, and renounce it as an instrument of national policy in their relations with one another". The grounds for waging war were thus conspicuously limited by a multilateral

treaty, one which the Nuremberg Tribunal invoked in convicting war criminals.

The process was to culminate in the Charter of the United Nations, which contains a general prohibition of the use of force, of which war is only one form. Article 2, paragraph 4, states: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations". The principle of non-use of force thus emerges as a fundamental principle of international law. Many writers regard this as a principle of *jus cogens* within the terms of the Vienna Convention on the Law of Treaties. There are, however, some exceptions to the principle to be found in the Charter itself, as well as other cases deriving from logical necessity.

Under the heading of the uses of force envisaged in the Charter, mention may be made of self-defence and action to maintain peace.

Self-defence is recognized in Article 51 of the Charter, which reads: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. ...". What are the conditions under which that right may be exercised? Under Article 51, only an armed attack justifies the use of force on the grounds of self-defence. In other words, the satisfactory implementation of the principle presupposes a universally recognized definition of aggression. To that end, the General Assembly of the United Nations adopted resolution 3314 (XXIX) of 14 December 1974, which defines aggression. Article 1 states that "aggression is the use of armed force by a State against the sovereignty, integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations". It should be recalled that the determination of the existence of aggression falls within the competence of the Security Council under Chapter VII of the Charter; there have been difficulties relating to this determination because of all kinds of political problems, among which the system of political alliances within the Security Council itself is not the least.

With regard to action for the maintenance of peace, the use of force, decided on by the competent organs of the United Nations within the terms of their mandate, clearly seem to be in conformity with the spirit of the Charter. The same applies to action taken by regional security agencies when authorized by the Security Council.

Apart from these two main cases envisaged in the Charter, the use of force relates to the exercise of the right of peoples to self-determination, and similarly to armed interventions and reprisals. The phenomenon of decolonization raised the question whether the resulting conflicts were or were not of an international character. Recognition of the legitimacy of the right of peoples to self-determination made it lawful to use force in the exercise of that right. The principle was to be enshrined in Additional Protocol I, of 8 June 1977, to the Geneva Conventions which refers in article 1, paragraph 4, to "armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination".

Armed intervention involves interference in an area under the exclusive jurisdiction of a State. It may be a unilateral act of intervention in a civil war, or an act of intervention designed to protect a right and involving manoeuvres that are as flexible as they are delicate, or an act of intervention aimed at protecting individuals. Another case is unsolicited invervention, which is prohibited.

As far as reprisals are concerned, such acts, which are themselves prohibited by international law, are intended as a response to a State's policy that is itself contrary to international law.

This is the background and legal régime underlying the principle of non-use of force as it has been received in Africa.

Acceptance in Africa of the principle of non-use of armed force

The States members of OAU stated, as early as 1963, that they were determined to safeguard and to strengthen their hard-won independence as well as their sovereignty and territorial integrity ... and to fight against neo-colonialism in all its forms. They have established as goals the defence of their sovereignty, territorial integrity and independence, the elimination of all forms of colonialism in Africa, and the promotion of international co-operation.

The African States meeting within the framework of the OAU have affirmed the following principles: non-interference in the internal affairs of States; respect for sovereignty; peaceful settlement of disputes; and condemnation of political assassination and subversive activities. They are to establish a commission of mediation, conciliation and arbitration (article 19).

At the subregional level, mention should be made of the legal instruments prepared within the framework of such organizations as the Economic Community of West African States (ECOWAS), the West African Economic Community (Communauté économique de l'Afrique de l'ouest - CEAO) and the Arab Maghreb Union.

A non-aggression protocol and a protocol on mutual assistance in defence matters have been prepared within the framework of ECOWAS. In its preamble, the non-aggression protocol recalls Article 2, paragraph 4, of the Charter of the United Nations, which is quoted word for word in article 1. The same goes for the protocol on mutual assistance in defence matters (articles 2, 3 and 4). With regard to CEAO, an agreement on non-aggression and assistance in defence matters was signed at Abidjan on 9 June 1977. It reaffirms the commitment of the member States to refrain from the use of force in their mutual relations. The preamble recalls Article 2, paragraph 4, of the Charter of the United Nations, whose wording is reproduced in article 1.

The Treaty instituting the Arab Maghreb Union was signed on 17 February 1989. One of the aims of the Union is to contribute "to the preservation of peace based on justice and equity" and, in the field of defence, "to preserve the independence of each of the member States" (articles two and three). Articles 14 and 15 deal with aggression, sovereignty and territorial integrity, in accordance with Article 2, paragraph 4, of the Charter of the United Nations.

As we can see, there is an impressive array of instruments prohibiting the use of force at both the international and regional level. However, when we move from the juridical plane to the implementation stage, we realize that the difficulties will not go away. There is a whole range of limiting factors prompting all kinds of initiatives aimed primarily at disarmament, which is presented as a form of "stress management": an international environment of conflict; the existence of "client States" and political alliances, and their effects on the United Nations Security Council; the existence of a military-industrial complex;

the proliferation of dictatorships and their malignant side-effects (the violation of human rights, the refugee problem, etc.); the "preserve" of States; the arms race; the ineffectiveness of dispute-settlement machinery, etc.

There are favourable prospects for the principle of non-use of force. A crusade must be undertaken, however, in order to bring about a reconciliation of men and ideas so as to eliminate the climate of aggression which envelops our world.

Africa, Human Rights and Development

Isaac Nguema

Introduction

Within the juridical landscape of the post-colonial period, the African Charter on Human and Peoples' Rights appears as one of the finest gems, designed by Africa with a view to endowing itself with proper self-awareness, creating a new image in the chain of peoples of the world, giving itself a place of choice in the concert of nations, and playing, henceforward, a significant role in the management and conduct of the world's affairs.

In the light of experience, however, this Charter seems for the moment quite far from answering the legitimate hopes and aspirations of the populations for whose service it was conceived. Everything proceeds as though African juridical life were today tossed and tugged between two poles – now the positive pole and now the negative: "Being and Nothingness"/"Order and Chaos".

The reason is that the African Charter on Human and Peoples' Rights, adopted in 1981, does, to be sure, constitute an important link in the work of conquest undertaken by Africa in its march towards humanity; yet as in all works, the Charter is not an end point. It is especially a starting point, with respect to which every day that passes must serve both to consolidate what has been achieved and to clarify the prospects that lie ahead, for the life of the Charter is not a static, linear process, but an ongoing challenge.

It is this impression of a tug of war, from front to back, from back to front, that I gleaned during the first years of existence and operation of the African Commission on Human and Peoples' Rights, of which I had the honour of serving as Chairman from its official inception on 2 November 1987.

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This seesaw motion constitutes, without a doubt, the invisible web, the Ariadne's clue to any study, any thought, any appreciation and any evaluation that one might be led to make concerning the conception, structure, content and application of the African Charter on Human and Peoples' Rights.

If one is to grasp the meaning, significance and scope of this Charter, it must be integrated into the present context of African policy on human rights, of which it is merely the expression.

When one undertakes to describe the contours of this policy, two questions arise which are apparently distinct, and which one might be tempted to ask at successive points in time, but which we consider as fundamentally interdependent. Consequently, they must be apprehended in an approach that is not linear and static, but rather dialectic and dynamic:

- Human rights in Africa: what for?
- How should one proceed in order to implement human rights in Africa?

The foundations of African policy on human rights

To outline the philosophy that underlies African human rights policy and to define the place that it occupies within the human rights issue and the internationally adopted strategy, one must have first resolved a problem of legitimacy – that of the very *raison d'être* of human rights policy in Africa, and this leads us to ask the question: Human rights in Africa: what for? But for this task one must also have a clear, unambiguous perception of the stakes involved and the objectives pursued by such a policy. This aspect corresponds to the question: Human rights in Africa, for doing what? What and whom does this policy serve? What is its function and its ultimate purpose?

At the international encounters in which I have had the opportunity to take part, both throughout our continent and outside Africa, first in 1988, on the occasion of the celebration of the fortieth anniversary of the Universal Declaration of Human Rights of 1948, and then in 1989, on the occasion of the celebration of the bicentennial of the French Revolution of 1789, I have often felt more than embarrassed on hearing certain speakers' remarks, in some of which a "nationalistic" inspiration could not help but show through, while others were marked

by a fairly strong confessional tone. Is this an opportunity – this is the question that I privately asked myself – for some delegates to polish up a somewhat used, not to say worn-out, coat of arms?

The French make no bones about proclaiming themselves the fathers of the human rights movement, which they say they have bestowed on other peoples of the Earth since the Revolution of 1789; the Americans scoff at them, asserting that before them, in 1776, they had already had occasion to proclaim and realize the rights of peoples to dispose of themselves, on the occasion of the American Declaration of Independence of 4 July 1776 and the Declaration of Rights of Virginia of 12 June 1776; the English, for their part, in their phlegmatic way, date the birth of the first movement for the proclamation and protection of individual liberties back to the *Magna Carta Libertatum* of 15 June 1215 – a text that was to be confirmed subsequently by a series of others, in particular the "Bill of Rights" of 13 February 1689.[1]

When I was given the floor for the first time, speaking on behalf of the African Commission on Human and Peoples' Rights of the Organization of African Unity (OAU), what could I say, from my point of view, on our dear Africa? This is where the question of legitimacy, in particular the historical legitimacy, of human rights policy in Africa arises. Do the peoples on whose behalf the policy of human rights on our continent is made have within them the seeds to enable it to bud or the wherewithal for holding up its supporting walls?

To come back to the sometimes "nationalistic" tones referred to above, I had to use every effort to attempt to free myself from all feelings of discomfort and all complexes. Yet what indeed could I add to these veritable founding myths of the rights of man – the events of 1215 for the English, of 1776 for the Americans and of 1789 for the French?

It was at that point that, as if by lightning, I was struck by my recollection of two proverbs that came back like diamond crystals from our ancestral wisdom.

One goes: "Being the first in a family to marry does not necessarily mean being the richest; being the last in a family to marry does not necessarily mean being the poorest."[2]

The second proverb proclaims: "Being the first-born (eldest) in a family does not necessarily mean being the most intelligent, being the last-born (youngest) does not necessarily mean being the most stupid."

In other words, the chronological anteriority of the events in question, assuming that it is proved, is not necessarily a sign of maturity and excellence of the conclusions which the peoples concerned would like to assert today; under no circumstances can it serve to be a basis of their claims to any leadership or paternal right that might be asserted in the area of human rights.

The relevance of these two proverbs seemed to me particularly obvious due to the fact that in addition it was improper to try to oppose, on the one hand, the civilizations of the written (which fix and preserve the dates of events in writing) and, on the other, those of the oral (in which the dates of events cannot be preserved in writing), as the difference in character between two such civilizations in no way implies any hierarchy or indication of two successive stages of the evolution of mankind.

In this internal dialogue, nevertheless, I encountered the spirit and the principal articulations in persons with whom I spoke here and there throughout the continent as well as outside of Africa. This is why I cannot help referring to it in outline form, convinced as I am both that the success of human rights policy in Africa depends on the representations that it elicits in peoples' minds, and that the courage and know-how of those in charge of implementing actions and strategies in the field should enable them in turn to gain a better idea of the shape of this policy. Is it not said that truth arouses and strengthens trust and security, while trust eliminates fear and dread, inspires love and freedom, and spurs the truth to express itself?[3]

The legitimacy of human rights in Africa

One quite naturally thinks first of all of legitimacy evaluated from the standpoint of the ancestral values.

Historical legitimacy

The observations gathered and the impressions recorded during those two years of experience at the head of the African Commission on Human Peoples' Rights revealed, generally speaking, two types of attitude on the part of my interlocutors:

- A "negativistic" attitude, made up of reservations and hesitations, perceptible in the talk or on the faces of those whom one

passes in the corridors of power, according to which there is no point in Africa having a human rights policy patterned after Western traditions and customs raised to the level of supposedly universal standards;

- A "positivistic"attitude, full of drive and wild enthusiasm, according to which the key to the development of Africa lies in the implementation of a policy of promotion and protection of human rights and fundamental freedoms.

The "negativistic" current seems to be based on a number of acts or types of behaviour which have hitherto been those of the European countries (black slave trade, colonization of Africa, maintenance of the policy of *apartheid* and racial discrimination practiced by the white minority in South Africa, Africa considered as a dumping ground for the toxic waste of the industrialized countries, etc.). Under these conditions, Europe is disqualified from giving lessons to Africa. It should first clean its own house, inasmuch as the few examples given above constitute a negation of the very notion of rights of man.

The same "negativistic" current, moreover, seems to maintain that the theory of human rights is a pure product of the Western imperialist imagination, a veritable myth whose chief function is to hide the real nature of Western civilization, ontologically made up of the spirit of violence, domination, exploitation, accumulation, concentration, the cult of the self (which brings with it scorn for and denial, in fact annihilation, of the other), whether one speaks of commercial imperialism, missionary imperialism, military imperialism or, finally, cultural imperialism, defined as being "Westernization".[4]

The theory of human rights, according to this view, is primarily intended to ensure the freedom of movement and the safety of the enterprises entrusted with the realization of the proposed society selected by the West, which, in the eyes of other civlizations passes as being invested with the missions of a chosen people, sole depository of the salt of the earth.

The "negativistic" current also seems to put forward, on the one hand, the image that Africans have of themselves today, and on the other, the conception that they have of the role that Africa must henceforward play in the management and conduct of world affairs, as well as their conception of the rank and position that Africa should occupy today in the chain of peoples of the world.

Viewed in this way, the implementation of human rights policy detracts from the dignity, maturity, sovereignty and independence of the African States and peoples, which have now come of age; it thwarts not only the principles of the ideology of the authenticity established by certain African countries, but also the provisions of international instruments dealing with the preservation, safeguarding and assertion of the right to differences and cultural identities; it is in any event incompatible with the imperatives of economic development, the priority of priorities of the African States ("you can't make an omelette without breaking eggs").

The respect for human dignity postulated by the theory of human rights, moreover (as this view has it), is not in keeping with the principles and the structure of the present international order founded exclusively on the sole interests of the major Powers. The requirement to respect the principles of human rights should start with the establishment of a new international order (economic, social, political and cultural) founded on the principles of equality, justice, dialogue, solidarity and democracy.

To cap it all, the "negativistic" current considers that the notion of human rights is nonexistent in the ancestral African societies (animistic societies, for example), where the social value of the person depended on his group (village, clan, tribe, ethnic group), the role played or the place occupied by him within the community (noble or free person, person belonging to a caste, slave), his birth or his degree of integration with the land, or his level of initiation, in short, his status.

Against this attitude of reserve, a current characterized in greater numbers is burning with impatience and calling with all its might for the immediate implementation of a policy of development of human rights, since it is viewed as a panacea for the ills from which Africa suffers. What it has to say, for the clarity of the exposé, seems to unfold in two stages:

- Human rights exist in our traditional societies;
- Not only do these values exist, but they are indelibly and irreversibly consecrated in those societies.

The demonstration of these two propositions involves a twofold approach: thematic and symbolic.

The thematic approach consists of seeking to ascertain whether the fundamental "concepts" that lie at the centre of the theory of human

rights exist in our ancestral societies, the concept of "Law/Right",* for otherwise one cannot speak of "rights of man": the concept of "man" in the sense of "person" having a universal and eternal, not to say sacred, value; the concept of "State", whose unlimited power is opposed to the emergence and the flourishing of the attributes and specific prerogatives which "man" is recognized as having the capacity of an individual; and finally the concept of "God", creator of the universe, in whose image "man", according to the Christian religion, for example, has been created – "God", whose place and functions have been taken over by the Western State, which has become secular.

Actually, in the not-very-remote past, these different concepts were denied in respect of African civilizations.

They had no Law/Right, for one thing, because they never knew writing, the function of which is not only to fix, in time, the rules of conduct of the members of a society, but also to make them known to those members (*verba volant, scripta manent*), so that the rules will be the same for all; and for another, because they never knew any State, the function of which is precisely to create and legitimize the rules of law throughout the territory. At most, one might speak, in exceptional cases, of pre-law or infra-juridical rules, for custom was constituted in most cases by a "normative nebula" in which no distinction was made between religious rules, on the one hand, and moral rules, on the other, not to mention juridical rules and rules of propriety.

Regarding the organization of the political framework of the community, these societies had no State, as has just been mentioned; they were acephalous societies, devoid of differentiated organs of control: no individual or group of individuals had the power to decide and impose his decisions on the other members of the social body. These societies were characterized by the absence of any body to elaborate laws, the absence of any body to supervise the application of laws.[5] At best, what one had were outrageous systems of organized disorders or "anarchies",[6] a stage that was followed by the political system of societies having a chieftain, in which the power belonged to a

* Translator's note. The French term "droit" means both "right"and "(body of) law". Up to this point, the term has been used by the author only in the sense of "a right", but in the discussion of whether this concept existed in traditional African societies, starting two paragraphs down, its meaning will shift at times to "law" in the sense of a "body of law" or "system of law"; hence the need for this twofold translation.

single individual, who might be either the chief of a village community, the chief of a clan, the chief of a tribal community, the chief of an ethnic group or a simple monarch, each of these chiefs, whatever his level might be, holding all powers in his own hands: executive, legislative, judiciary, etc.

Concerning the nature of the beings that dwelt in the continent, the question would be pondered whether the black peoples had a soul; or, when that question was anwered in the affirmative, whether they were the victims of a sort of fall, due to the curse brought upon them by the irreverent behavior of their ancestor Ham, who, it was alleged, was the starting point of their race.

From the top of the planet, Africa was perceived as a gaping hole, black with darkness and obscurity, where idolatry, animism and fetishism happily flourished. More commonly, one took pleasure in viewing it as the realm of predilection, of paganism and polytheism.

In fact, these different stances were a reflection of the state of science at that time, and today we can say that one of its functions was superbly to conceal the ignorance and lack of understanding which the authors had concerning the civilizations in question. This was the reign of the nineteenth century theories of militant evolutionism and ethnocentrism, which were aimed especially at justifying the slave trade and the colonization of Africa (science was not neutral). Most importantly, however, these prejudices stemmed from a more general attitude of the "human consciousness" of the age: that of the superior nature of Western civlizations, the centre and the heart of the world, the vanguard of mankind – civilizations which had only disdain and scorn for other peoples, who had remained fixed and immobile in the first ages of humanity.

One had to await the advent, brought on by events and changes in perspective, of a new thinking effort in the universe of the sciences in general and in the knowledge of the nature of African civilizations in particular; but above all, one had to await the development of new mentalities as a result of a certain evolution of the human consciousness, in order to be able to admit today to something as flowing from human nature, which just yesterday appeared to be so many sacrileges, so many heresies.

Indeed, the thinking effort, stimulated and confirmed by the wealth of experiences and practical life relating to African civilizations

today, unequivocally establishes the existence and the recognition, in our traditional societies, of the four themes on the basis of which the new concept of human rights now imposes itself. This is because every society, every civilization, every culture has now come to be recognized as having, after all, its own particular world view: a special way of conceiving Law/Right, a special way of conceiving the place and role of man in the world, a special way of conceiving the origin and formation of the universe, a special way of conceiving the structure and evolution of the world, and every culture is now assured of the recognition of its full dignity.

In the light of the evolution and the exchanges of ideas and experiences that have taken place in the sciences and in practical life, it is no longer accepted that the existence of law must be tied to the existence of writing in a given society. Writing is merely one of the possible modes of expression of the thought of a given civilization, which may, depending on the context, adopt another route, the oral mode, for example, as is the case with our ancestral customs. The juridical phenomenon is first and foremost experienced or conceived by the society before it can be expressed in the forms chosen and consecrated by that society, and neither of the two modes of expression of law mentioned above is in itself better than the other.

It is a fact, nevertheless, that the mode of expression of law chosen by a given culture bears a close relationship with the essence of the legal system in question. In the case of our ancestral customs, what has been brought forward particularly, from a Eurocentric point of view, as being a source of difficulties, is (a) the diversity of customs, which may vary from one village to another, from one clan to another, from one tribe to another, from one ethnic group to another, owing to the absence of a suitable technique for ensuring the stability and permanence of the law; and (b) the impossibility of having any objective knowledge of the law for the entire territory of a State – a situation likely to engender a great deal of insecurity and uncertainty.

Instead of viewing these characteristics as so many defects or shortcomings impairing the effectiveness of the system, one often forgets, as correctly pointed out by Michel Alliot, that in our ancestral societies diversity is life, while uniformity engenders death;[7] for indeed, each group is bent on remaining in control of its freedom of movement and the spontaneity of its initiatives, and this interplay in no way disturbs

the cohesion and harmony of the whole: "when in a neighbouring village," the proverb goes, "you find the inhabitants dancing in a standing position, you (as an outsider) should dance standing; if you find them dancing seated, you should dance seated; if you find them dancing lying down, then you should dance lying down", for every village has its ways of doing things, its own customs and traditions, which enable it to attain, with respect to other villages, the first prize, which is nothing other than the consecration of the fullness of life. Uniformity is not sameness.

Furthermore, in our ancestral law, the essence of the law is still contained in the fervour and the strength of the words which utter it; the force of law is not yet divorced from its manner of expression: there are words that kill. There is not yet any distortion between what one experiences and what is proclaimed by word, between substance and form, between essence and existence, between reality, which is lived, and words and writings, which can from time to time take the form of white lies, as, alas, one often observes in modern law.

Regarding the argument based on the impossibility of knowing the different customs in force from one ethnic group to another, owing to a lack of linguistic unity, once again instead of seeing in this a difficulty of communication and understanding among those concerned, we should decry here authentic systems of protection and defence which, at the time, prevented "outsiders" from penetrating the secrets and mysteries, violating the taboos, whose function was to ensure the immortality, invulnerability and vitality of the essence of the group, while at the same time they concealed the "soft parts" by means of which it was easy to injure the strength, the integrity and the vital energy of the group.[8] In order to become convinced of this, one needs only to think of the difficulties experienced at an international meeting by delegates of a country speaking the same language as other delegations, when they wish to decide, in secret, strategic positions that safeguard the vital interests of their country.

Those whose language is not understood by the other delegations, on the other hand, are quite at ease, deliberating in complete safety.

Let us now turn to the opinion that custom is a normative nebula, in which one can distinguish neither religious rules, nor rules of law, nor moral rules, nor rules of propriety.

Without there being any need to mention that in so-called modern law the rules of law are founded upon or even confused with religious or moral laws (thou shalt not commit adultery, thou shalt not steal, etc.),[9] one should refer to the social reality found in our countries, where no distinction is made between the visible world and the invisible world, between the group and the individual, between the rules that foster harmonious relations between man and the divinity and those that contribute towards harmonious social relations, between rules that guide the individual conscience and those that command the moral conscience of the group. Law in Africa cannot be apprehended like a stone in a fruit, a piece of crystal in a bucket of water.

This structure of law, in the case of my country, Gabon, for example, reminds one of the picture provided by the structure of an oil well in operation. What we find in an oil well, in fact, is not the crystal-clear liquid that we see coming out of the petrol pump. What we find at the bottom of the well is mud containing a mixture of sand, limestone, gas, clay, sandstone, salt water, oils, etc.

It is this viscous heterogeneously composed sludge that is subjected to physical treatments with a view to obtaining the black liquid with a characteristic odour that constitutes crude petroleum. It next undergoes chemical processing operations, in particular distillation and purification, through which one can obtain, as needed, butane gas, ordinary petrol, fuel oil, paraffin, etc. Thus, everything depends on the product that one wishes to obtain from the petroleum during the refining phase. It is the function that determines the nature of the product.

The same holds true of legal customs, which are mixed, in the body corporate, with other heterogeneous elements that relate to other systems of social regulation and control. The contours and strength of these legal customs may be affirmed, rigidified, galvanized, blurred, hidden, softened or volatilized according to the objective or the use determined for the health, cohesion, harmony or prosperity of the community, to the detriment or advantage, depending on the case, of other systems of social regulation and control. Thus we are not dealing here with rules with rigid, metallic edges, crystallized and tempered like stainless steel. This explains the flexibility, the plasticity, the elasticity of customs, which do not readily take on the contours and consistency of a body or bundle of clearly, rigorously and solidly established rules. Some might be tempted to say that these legal customs fall somewhere

between crystal and smoke. In reality, the rule of law in Africa has no value in itself: it is in the service of the community, and must guarantee its peace, cohesion, security, identity and survival.

Nor does the argument tying the nonexistence of law to the absence of a State seem any more convincing.

We need not resort to the Roman adage: *ubi societas, ibi jus,* for the most reliable studies admit that the State is not at all absent, as is thought in the Western point of view, from these allegedly acephalous, not to say "animistic", societies; rather, the functions of the State are simply divided among the various members of the community (blacksmiths, jewellers, woodcutters, warriors, cobblers, weavers, minstrel-witch doctors, etc.), as the "animistic" State is not detached from "civilian society".

In this ancestral society it is man that is the measure and the end of all. It is for this reason that ancestral law is not imposed from outside of man as is the law imposed by the Western State. Cohesion, balance and social harmony are the result partly of the spontaneous desire and the inner *élan* that irresistibly drive each individual to want to live in a community, and partly of the interplay of solidarities and the network of ties of necessary interdependence that are formed and strengthened among members exercising different functions, no member of the community being self-sufficient. "Animistic" man directly assumes his own sovereignty, his own responsibility, his own liberty; conflicts are settled, not in accordance with impersonal, pre-established norms imposed from outside, but through the continuous, no doubt patient, dialogue and the continuous friction resulting from direct contact between the interested parties.[10]

This law that governs the political society of ancestral Africa is different from that which governs the Western State, which uses it in order to impose itself on men in a merciless combat. One should thus accept the differences in vision, conception, organization, structuring and logic between these two universes. Furthermore, experience and reliable studies show that law exists outside of the State (e.g., international public law that governs the international community, which is not, as one might be tempted to think, merely an assemblage of States) just as well as under the organs of the State.[11]

It is evident that the African societies referred to as "acephalous" would not have survived up to now without the implemen-

tation of a minimum of rules of political organization, assuring their life and their security, their subsistence, their reproduction and their identity. The same reasoning applies to societies characterized by the leadership of a chief, whose institutions occur, so to speak, in the form of dishes that nest within one another.

We know, within the framework of the political organization of certain ancestral societies, if not in their totality, that the entire life revolves about the notion of the ethnic group; the group is subdivided in turn by way of segmentation into tribal communities; the latter are differentiated in turn into several clans, the clans into sub-clans, lineages, sub-lineages, village communities, etc., each group having distinct functions and spheres of competence.

This somewhat hierarchical social structure has often been interpreted as characteristic of feudal society, a non-egalitarian, even undemocratic, society, owing to the absence of the centralizing character which constitutes the nature of the Western State, which holds all powers in its hands and considers all citizens equally, without consideration as to sex, age, religion, etc., nor does any intermediate structure exist between State and citizen (any decentralization of powers being a matter for the State to decide).

In contradistinction to this, in our ancestral societies, these nested communities cling tenaciously to their independence and their sovereignty with respect to the others in order not be swallowed up; yet at the same time they cultivate in the highest degree the sense of their interrelatedness and their interdependence in order to ensure the coherence and the cohesion of the whole. The functions exercised by each of these entities, while distinct and different, not only preserve their identity, but also safeguard their interdependence with respect to the others: each unit needs the others in order to exist and to perpetuate itself.

As pointed out by Michel Alliot, "the differentiation of powers protects those on whom all are exercised from despotism by one of them". The chief of the ethnic group cannot give orders to the members of a village community without passing through the tribal chief, who must in turn address himself to the clan chief, who alone has the power to address himself to the father of the village community. It is not unfounded to say that there is a spontaneous, interior limitation of powers, but this limitation of competence does not come from an

outside power, from a law of the State that is the result of a social contract, but from the spontaneous need to ensure, at one and the same time, the independence, interdependence and coherence of the community as a whole. Each clan, for example, while distinct from the others, has to address itself to them to be able to obtain wives and beget children. This is one of the raisons d'être of the law of clan exogamy. In Africa, "opposite poles attract".

As for the nature of the African man, concerning whom the question was asked whether he could have a soul and who was thus devoid of juridical personality, suffice it to say that, whereas in Western legal thinking such personality exists only between birth and death (if we leave aside the cases provided for by the adage *infans conceptus pro nato habetur quoties de commodis agitur*), according to the legal thought of ancestral Africa, such juridical personality might begin to operate before birth (e.g., proposed marriage arranged while a girl is still in her mother's womb); it can also continue to operate after the date of decease (in a goodly number of ancestral customs, a child born of a widow who has been taken in by the brother of the deceased "by way of a second marriage" may have as its father not the procreator, i.e., the mother's present husband, but the deceased himself).[12]

Still in the diachronic sphere, juridical personality is not acquired once and for all; it is acquired and develops as one becomes integrated into social life: circumcision, marriage, birth of children, initiations following which some person may become invulnerable, even against the effects of gunshots, blows with lances, machetes, etc. The legal subject is not conceived in an arbitrary manner. Furthermore, such juridical personality may diminish in degree, weaken or actually disappear even before physical death occurs. The concept of the legal subject is thus not a static or mechanical concept: it is dynamic.

In the synchronic sphere, to consider only the example of the ethnic group, we know that it is only among the members of one's own group that one is dealing with full-fledged human persons. Outside of this group, one is dealing with "slaves", "animals", "birds", or "things". Once again, traditional law is not an abstract law. Hence arises the prohibition against choosing one's spouse from beyond the ethnic frontiers (if one excludes cases such as matrimonial alliances for political purposes). The reason is that, since the matrimonial alliance has the function, among others, of reproducing and perpetuating the race

contained in the ethnic group, it is unthinkable to bring together a human person, on the one hand, and an "animal", a "bird", a "thing", etc., on the other.

Here again, the concepts of traditional law are quite different from those of modern law. Yet the notion of the human person exists.

To wind up, finally, with the question of God in ancestral societies, the most recent studies show that the ancestral religion is not a polytheistic religion. There are not several gods. But divine energy may be concentrated in certain places, in certain objects, in certain persons, and become diversified in different forms and manifestations. This is in no way a matter of polytheism, each "divinity" having a distinct function. It is the operation of these distinct, though complementary, functions that ensures the prosperity, peace, cohesiveness, harmony and happiness of the village (god of war, of the hunt, of agriculture, love, intelligence, beauty), for none of these "divinities" alone can ensure the well-being of the village community.

God is not, as in the Western universe, distinct from his creatures; the God of ancestral Africa coexists with man, his creature, for the "animistic" God is not a transcendent, omnipotent, omniscient and sovereign God, holding all powers in his hands, but an immanent God, whose competencies are multiform and multifunctional. Thus fetishism, animism and polytheism are today museum pieces to be placed on the shelf along with antiques.

However, the positivistic current is not content with a demonstration of the existence and the consecration of the notion of human rights according to the thematic approach; it also has recourse, as we mentioned above, to a symbolic approach.

The symbolic approach consists in attentively scrutinizing the background of the cultural patrimony of Africa as discovered in proverbs, riddles, legends, tales, maxims, adages, chants, games, fables and epics.[13] The painstaking examination of this cultural background does indeed attest to the existence, the recognition, the consecration and the cult of the cardinal values that constitute the human person (irrespective of clan, sex age and status): peace, justice, truth, the beautiful, the good, freedom, equality, solidarity, etc. It is not necessary, however, to establish for each individual term a correspondence between the principles set forth, for example, in the French Declaration of the Rights of Man or the Universal Declaration of Human Rights and

the principles consecrated in our traditions, inasmuch as every principle takes on its full significance and its full value only when placed back within the context which gave rise to it, no principle having a value in itself.[14]

Regarding the value of the human person consecrated in our traditions, independently of clan, sex, age or social status, ancestral wisdom has it that "when you deal with an animal, you can take the liberty of mistreating it, for in your whole lifetime you will have occasion to meet it once at most; however, when you deal with a human person, you must treat him with special regard, as if it were yourself or a member of your own family; for in the case of a human being, whoever he may be, there is always the chance that you will meet him at least twice during your lifetime."[15]

In other words, if you happen to mistreat him or to fail to show him the proper courtesy on your first encounter, he is likely to "pay you back" on your second encounter. In plain terms, if you want to make certain of your own safety, your own dignity, your own freedom, you should start by making sure of those of your neighbour, whoever he may be, for the simple reason that you are dealing with a human being.

The eminently high rank which a human person is recognized as having is consecrated not only with regard to the moral values which one should maintain with respect to him, as compared with those that come into play with respect to the animal kingdom, but a pre-eminent place is also affirmed in respect of the "price" that one should accord to a human being. In this connection, the Baule consider that even the most ignorant person is worth more than gold, and that, however great the fortune and the prestige of a rich man may be, he can never afford the luxury of sleeping on the skin of the lowest, most contemptible man (though he may do so on the skin of a lion or a panther, despite the aristocratic character of the class that they occupy in the animal kingdom).[16]

Regarding the principle of equality consecrated in African traditions and ontologically vested in every human being, it is proclaimed by these same people that "the free man and the slave follow the same passage at birth",[17] and, in this connection, an old sage from my home town teaches that the notion of equality proves to be the thing most evenly distributed among all men: "If your neighbour prevails over you by reason of his tall stature, you will prevail over him by reason of

your short stature; if he prevails over you by the low timbre of his voice, you will prevail over him by the high-pitched timbre of yours; if he prevails over you by the charms of his beauty, you will prevail over him by the horror of your ugliness", etc. No village ever lacks a cemetery; also, every village community lives by the light and the protection of an old umbrella tree that heats the "backside" of the village. Equality, in ancestral thought, is not a mathematical concept.

As for the cult of justice, this is a subject of education that the tradition of my home town, for example, deposits at an early point in the consciousness of children. The most charming of these fables involves a hunter and a ghost.

One fine morning during the dry season, the legend goes, a man who claimed to be friends with a ghost went out hunting with him in the great forest. At the end of the day, which proved highly successful, the ghost invited his friend to divide up the game that they had just killed. The hunter, who, in accordance with tradition, considered the ghost a naïve being devoid of any intelligence, easy to fool and mislead, divided the bag in two: in the first share he took care to place the entrails, the offal and the tails – parts which according to our beliefs are considered the foulest and poorest pieces; in the second share he piled up legs upon legs, cutlets upon cutlets, filets upon filets – all the pieces that our traditions deem the richest and most noble. The hunter allotted the first share to the ghost, keeping the noblest and best part, made up of legs and filets, for himself.

Taken aback by this unjust division, the ghost requested his friend to re-examine the composition of the shared and show a little more fairness. The hunter, looking down his nose at him, sized him up from head to toe and ordered him to be content with the share that he had been allotted. The ghost, unperturbed, insisted, trying to make his friend understand that it was in his interest to show more justice and equity in this matter, for, he added, he, the man, did not know what portion of game might ultimately fall to his lot. But all in vain.
At these words, the two friends stubbornly parted, each returning to his village, and carried off the respective unequal shares that had been thus made up.

Walking briskly along, his basket on his back, the hunter quickly reached his village, somewhat tired and hungry, but pleased and quite proud of his work. Barely had he set down his basket filled with

excellent pieces when he was taken with fever. Even before the sun disappeared from the horizon, he was seized with violent headaches, fell terribly ill and breathed his last a few moments later.

He was transported to the realm of the ghosts, and by good luck immediately ran into his friend once he arrived in the first village of the "kingdom". Seeing his friend somewhat tired and hungry, the ghost suggested to him before his friend had told him the purpose of this visit, that he should regain his strength and take some food. The other nodded his head in agreement and the ghost said to him, "My dear friend, when the bag was divided, I told you to make two equal shares, did I not? You didn't listen to me. You could not imagine that the meagre pittance that you allotted to me would turn out to be your first meal this day. Well, sit down, nevertheless, and eat the poor fare and foul things that you allotted me."

Thus the hunter was unable to take advantage of the grander share that he had reserved for himself, and had to be content with the meagre share that he had gleefully allotted to his ghost friend.

The moral of the fable is as clear as crystal: the need to cultivate the sense of justice in all places and at all times, if one does not want to meet with the fate that befell the hunter.

We can give any number of examples. The conclusion to be reached is that the notion of human rights is not a notion imported into Africa; it is not the private reserve of any culture; no people can claim an exclusive title to it.

One thing that is certain is that the budding and flourishing of the concept of human rights must be in a certain context. But this concept constitutes a constant challenge. It is a conquest of every moment, regardless of whether, for a given people, manifestations of it took a form that was more spectacular and more emphatic at a particular period in the history of that people; even after having experimented with or proclaimed human rights at a given point in its history, the same people may be led to lose sight of them, to forget them, or even to be ignorant of them. Human rights are the prerogative of all mankind. Any claim to an exclusive right of paternity in respect of human rights can only be an empty illusion.

Conversely, the historical legitimacy that one may tout in matters of human rights does not constitute a sufficient basis for claiming to have a clear conscience in that area.

The *Magna Carta Libertatum* proclaimed in 1215 did not prevent the English from violently clashing with the legitimate aspirations of their American colonies when they decided to assert their right to independence in 1776. Furthermore, this great charter of liberties of England was essentially the work of "English barons who had emigrated and were in revolt against the king due to large number of abuses, particularly in respect of fiscal and ecclesiastical matters". It was of no benefit to the people at large.

The Declaration of the Rights of Man and of the Citizen of 1789 did not prevent France from erecting and extending, after that proclamation, a vast colonial empire among the "peuples de couleurs" or from engaging in black slavery. Furthermore, the draft declaration of the rights of the woman and the female citizen written by Olympe de Gouges in September 1791, proves that the Declaration of the Rights of Man and of the Citizen of 1789 did not even concern women.

The Declaration of Independence of 1776 did not prevent the Americans from continuing for decades, for centuries, in fact, the practice of black slavery and a policy of extermination of the Indians, not to mention racial segregation.

The Universal Declaration of Human Rights of 1948 did not prevent South Africa from instituting, that same year, the policy of *apartheid* and racial discrimination or from continuing to apply it to this day.

Here again, one might cite any number of examples. It is as if the various proclamations of human rights were aimed merely at defending and protecting the interests of one category of persons, one class, one race, one culture, to the exclusion of the interests of mankind as a whole; or rather, what it was agreed should be called "mankind" was circumscribed to the interests and dimensions of the categories, classes, ethnic groups, races, civilizations and cultures concerned. The operation of the human mind seems to remain the same in all latitudes.

To tell the truth, this discussion of the historical legitimacy of human rights policy has today lost its interest, since there is agreement in recognizing that it expresses the legitimate aspirations of the populations of present-day Africa. The legitimacy of this policy is not simply historical: it has become essentially a popular legitimacy.

Democratic legitimacy

There is no question that the movement and current that are developing in favour of the policy of human rights are today part of an issue and a strategy that are unfolding on a universal scale. This need relates to all continents, all peoples, all political systems and régimes, all cultures.

In Africa, in particular, it is felt that the policy of human rights is "life". It must not be reserved for individuals, or for any category of persons, or any clan, sect or ethnic group.

The absence of a human rights policy, on the contrary, gives one the feeling that one is inexorably running the risk of disappearing from the face of the earth and heading for certain death. Instead of appearing as dead persons who have been granted a reprieve or as living dead, now as in the past, the populations manifest their full will to live and to live with dignity.

In the village community of ancestral Africa, life was something that concerned all the components of society.

It was created by the "female race", whose role was to give birth to children, whose purpose was to produce life. A woman without a child is like a tree without a flower, or like a flower without fragrance. It was not enough merely to produce life and give birth to children: they had to be supported, cared for, and kept safe both from inclemencies of weather and from wars.

Security functions were assigned to the males. Above all, however, the village community had to provide for the subsistence of all its members by means of the resources and the working of the land, which belonged to the community by nature and could not be appropriated individually or privately. This land was in fact intermingled not only with bodies and souls of living persons or those yet to be born, but also with those of the ancestors or divinities that peopled the sacred forests. The various members of the village community were attached to it as though by a sort of umbilical cord, so that the land was inalienable and could not be detached from the "physical" persons of the members of the locale.

The work aimed at ensuring the subsistence of the community was divided between the males, whose task it was to fell large trees and clear fields, and the females, who were in charge of the operations of sowing and harvesting. Complementarity was the rule.

It was not the sole aim of the village community to provide for the subsistence of its members through the production and distribution of foodstuffs; it was also concerned with ensuring the reproduction and perpetuation of groups and species through the procreative function of marriage. A household with no child did not yet have its place within the village community and was not yet recognized by the line of ancestors, whose names it had not yet succeeded in reviving.

It was the child who established the household, who was the justification of the marriage and the sign of the vitality of the family and who constituted the guarantee of the perpetuation of the line. This shows how great the value of the child was in the eyes of traditional society: a village that did not teem with games, singing, crying and the shouts of children was a dead village, without any soul or life. It required the performance of purification rites, the care of which was entrusted to the "old people" and "elders", one of the functions of whom was to intercede with the ancestors and divinities.

The village community was not only greatly concerned with guaranteeing reproduction and the perpetuation of the line; it was particularly insistent that children should resemble their parents, that the cultural identity should be guaranteed and preserved, along with the peace, harmony, social equilibrium, happiness and prosperity of the community.

This function fell to the "old men" and "patriarchs" whose task it was to pass on the tradition that had come down to them (genealogy, legends, fables, tales, maxims, riddles, chants, games, epics, architecture, etc.), but also to ensure peace, prosperity and social harmony through the exercise of "judicial" functions, the purpose of which was, especially, to reconcile, to bring different points of view closer together, to create unity through persuasion and negotiation, but not to decide the dispute, for that would have been likely to aggravate the antagonism and perpetuate bad feelings and enmity.[19]

It is by constantly remaining close to the "old people", a proverb from my region says, that children are sure of receiving the crystals of ancestral wisdom of which the elderly are the depositories. Similarly, it is the "old people" who are responsible for the dissents, the harmony, peace, prosperity and happiness of the village.

This brief panorama of the roles and functions falling to the various components of the village community shows that life was the

affair of all; that while exercising different functions, members and groups played complementary roles and were united by ties of interdependence, all these different functions having the purpose of contributing to the budding, flowering, strengthening, continuity and perpetuation of life in the village community. This is no longer the case today, when the exercise of all these functions is concentrated, without any sharing, under the sole responsibility and the sole authority of the State.

This is to say that the desire to participate in the budding, flowering and resurrection of that life is felt intensely today; these aspirations involve all the strata, all the categories, all the generations of the village community.

However, the ancestral village has changed in size: some have become urban population centres; the community has become national with the constitution of new States, pan-African with the constitution of the Organization of African Unity, international with the insertion of Africa into the concert of nations. The ancestral village, having become planetary, has changed in terms of structure (political, economic, social, cultural), and this has brought about a new consciousness in men which inspires new ways of looking at things, new concepts and new logic in connection with the new way in which they view themselves, the new relations which they intend to have with others, the place which Africa must occupy in the chain of peoples of the world and the role that it should have in the management of world affairs.

These are requirements that have arisen partly from the transformation and changes that have affected the structures of the former village community and partly from the new awareness and the new view of the world; it is these factors and these aspirations towards a better life, a life that is full and complete, that are today at the basis of human rights policy in Africa. It is nothing other than the advent or the resurrection of the desire for the democratic ideal. It is fitting here to define the objectives pursued by this policy in terms of its essential features, taking into account this new framework of life.

The development of human rights policy in Africa: development

If development is primarily felt as a tension, a movement, an effort towards well-being, the opinion that still prevails is that this

tension is the affair of Africa alone, which must "catch up" in order to "fill the gap" that stretches between Africa and Europe, between underdeveloped countries and developed countries.

Europe does not seem preoccupied by this tension, having reached, people think, a better standard of living and model of life.

The consequence is that in the eyes of Europe, it is towards its model and its level of development that the African policy to be implemented in the area of human rights should be geared. This is the project of Westernization of the world, which is constantly being denounced for its impertinence.

At present, such a condescending attitude no longer appears to characterize the tendencies and the major stands that are beginning to take shape and be forcefully expressed on either side.[20]

First of all, the concept of human rights cannot be static; no people is entitled to feel that it has reached the pinnacle in this domain: achieving human rights involves a continuing quest and conquest.

While it is true that Africa must cease to have an image of man conceived in terms of ethnic groups, it is equally true that Europe, in turn, must cease to consider itself as the sole navel of the world where the essence of all mankind is concentrated and crystallized. The striving towards development must be a universal, mutually enriching movement.

Africa, for its part, considers that the development towards which it aspires cannot be sectoral, limited to the "accumulation of property" aspect that is today the major preoccupation of Europe. Development is not growth. In the present situation of Europe, the economic aspect has invaded all the other components of life, to the detriment of moral, spiritual, social and cultural development. Life has become too materialistic, greedy for trinkets and hardware. Africa has need for the development of the integral man in the fullness of his dimensions, without any hierarchy between civil and political rights on the one hand and economic, social and cultural rights on the other; without any hierarchy between human and peoples' rights, and without any hierarchy between the rights of the first, second and third generation. What Africa aspires towards is integrated development.

The new orientation further requires the setting up and implementation, on the international level, of a genuine dialogue between cultures, in which Africa takes inspiration from Europe, but Europe also takes inspiration from Africa.

This is the new path of the universality of human rights and peoples' rights in a pluralistic world: a world of global, integral development of all peoples. Such is the first goal towards which Africa aspires.[21]

However, the development towards which the African populations aspire must also be a community-type, non-individualistic development. The human person isolated from those with whom he belongs is an abstraction in Africa. It is because it wanted to head alone into the great forest, the proverb says, that the river developed a twisted course. Now, if there is an ill from which, to our mind, Europe suffers, it is the cult of individualism. Society cannot be conceived of as a collection of individuals. It must have the form of a single body that shudders with the misfortunes of those afflicted and shares in the happiness of those who rejoice. The members of the community must be considered as being solidly united and entrusted with interdependent functions. At the national and international level alike, the time has come for an equitable sharing of the resources of the planet and the sharing of the blessings of life.

This solidarity must not be understood to be only among the various members and the various groups of the present community, but must be operative among the different generations, past, present, and future. Development must be for mankind as a whole and must involve concern with the future of our planet, from which stems the importance of the rights to peace, environment, development, etc.

Without attempting to enter into every aspect of the way in which Africa conceives of its development, one might summarize it by saying that Africa aspires to integral development of man, balanced development among all the factors that contribute to the full blossoming of the person; it aspires towards development that is essentially community-oriented, not individualistic; it declares itself in favour of development marked by solidarity and interdependence; it aspires towards universal development to which it intends to make its contribution; and it means to enlarge its existence thanks to the contributions that can be made to it by other civilizations. "Participation is the key concept of the right to development" (Adama Dieng).

These, we feel, are the foundations of human rights policy in Africa, of which the Charter is only an expression. In this light, it is

fitting to call attention, in outline form, to the manner in which these basic ideas have been put into operation.

The implementation of African human rights policy

Stating the manner in which the objectives of human rights policy have been implemented in Africa essentially boils down to answering the question: How should human rights policy in Africa be made? To attempt to answer this question is to refer to the African Charter on Human and Peoples' Rights in its historical evolution, its structures and its content.

Historically speaking, the starting point of the Charter was the colloquium organized at Lagos by the African jurists in 1961, on the theme "the primacy of law". At the conclusion of the colloquium the idea was put forward that an African commission on human rights should be created.[22]

This idea was developed by the authors and taken up subsequently on the occasion of other colloquia and seminars, organized in particular by the United Nations and by the International Commission of Jurists. This thinking and different encounters of these bodies ultimately led to the 1978 Dakar colloquium organized by the International Commission and the *Association sénégalaise d'études et de recherches juridiques* (Senegalese Association for Legal Studies and Research). One upshot of the colloquium was the creation of a "follow-up group" charged with selling the idea to the African heads of State: one subgroup, headed by Mr. Kéga Mbayé, then President of the Supreme Court of Senegal, visited a number of West African capitals, while another subgroup, under the direction of Mr. Niall MacDermot, Secretary-General of the International Commission of Jurists, visited Central Africa.

At the conclusion of this consciousness-raising campaign, President Senghor, then head of State of Senegal, presented and obtained the adoption, at the Assembly of Heads of State and Government of the Organization of African Unity, held at Monrovia in 1979, of a resolution, which became Decision 115 (XVI), requesting the Secretary-General at the time, Mr. Edem, to call together a meeting of high-level African experts and charge them with the elaboration of a

preliminary draft African Charter on Human and Peoples' Rights including, among other things, organs of promotion and protection.

At the end of 1979, the meeting of African experts quickly prepared a preliminary draft which, after an abortive first meeting of African plenipotentiaries held at Addis Ababa, was submitted for study to two sessions of the Conference of Ministers of Justice of the OAU, held at Banjul, Gambia, in 1980 and 1981. The final draft was adopted at the Nairobi summit in 1981. The Charter finally entered into force on 21 October 1986, after being ratified by an absolute majority of the States, following a vigorous consciousness-raising campaign conducted by certain OAU heads of State and by a number of non-governmental organizations, in particular the International Commission of Jurists.[23]

With regard to its content and its structures, the Charter includes a list of prerogatives and obligations that are protected, but also of those of the organs for the protection and safeguarding of those values.

The first part includes rights, but also duties – something new in an international instrument having in itself a binding force, in the florid literature on human rights,[24] but in accord with African concepts, in which rights are inseparable from duties. These rights and duties are those of the human person as well as those of peoples, for the human person has no value in Africa otherwise than integrated into his group. The list of rights and duties, however, places particular stress on those of the community (family, society, nation, State), so that the Charter fits into a current that is essentially community-oriented and not collectivistic. Finally the Charter places special emphasis on the rights referred to as third-generation rights: the right to peace, to the environment, to solidarity, to development, bearing in mind the insertion of Africa into the chain of peoples of the world.

The organs charged with ensuring the promotion and the protection of human and peoples' rights are two in number: the African Commission on Human and Peoples' Rights and the Assembly of Heads of State and Government of the OAU.

Regarding its organization and operation, the African Commission on Human and Peoples' Rights is made up of 11 members elected by the Assembly of Heads of State and Government of the OAU; the members in turn elect the Chairman and the Vice-Chairman,

the Secretary of the Commission being appointed by the Secretary-General of the OAU.

The members sit on the Commission on a personal basis, but retain the exercise of their functions in their States of origin.

However, they are independent in the exercise of their functions as members of the Commission, both *vis-à-vis* their countries of origin and *vis-à-vis* the OAU. The headquarters has been established at Banjul, Gambia, pursuant to a decision adopted at the twenty-fourth session of the Assembly of Heads of State and Government of the OAU.

The Commission holds two regular sessions per year, each lasting a maximum of 15 days, which proves insufficient in view of the missions with which the Commission is entrusted.

The African Commission on Human and Peoples' Rights is in fact charged, as its principal function, with ensuring the promotion and protection of human and peoples' rights.

The promotion mission includes functions such as study, research, information, sensitization, consciousness-raising, the popularization of education, training, advanced training and leadership – in other words, an educational function in the field of human rights.

It also includes quasi-legislative functions, whereby the African Commission on Human and Peoples' Rights is charged with elaborating drafts of legislative or regulatory texts to be proposed to States in the area of human rights, or with defining the principles that should govern in that area.

The promotion mission further includes functions of co-operation with both governmental and non-governmental organizations that pursue the same aims as the Commission or at least complementary objectives.

As for the mission of protection, it consists, for the African Commission on Human and Peoples' Rights, of examining complaints of violations of human rights lodged either by the States parties or by private persons, whether natural or artificial, although for the latter category the Charter uses the expression "other communications".

The procedure for the examination of complaints is spelled out in full in the Charter; it was subsequently set forth in painstaking detail in the internal regulations of the Commission, adopted at the second session, which was held at Dakar from 8 to 14 February 1988. The

procedure ends with a report, drawn up by the Commission, containing the facts and conclusions of the inquiry. The report, together with an opinion, is transmitted for decision to the Assembly of Heads and State and Government of the OAU.

It is in effect the Assembly of Heads of State and Government of the OAU that constitutes the second organ for the safeguarding and protection of the rights and liberties provided for in the Charter; it alone has the power to decide, to the exclusion of the Commission, which, regrettably, has no jurisdictional power.

Concluding comment

These, then, are the conditions in which African human rights policy has been implemented.

A new stage is beginning for the evaluation of this policy. This stage concerns the application of the Charter.

After two years of operation of this Commission, which only inaugurated its headquarters at Banjul on 12 June 1989, it seems premature to give an overall assessment.

The fact remains that as it presents itself, the African Charter on Human and Peoples' Rights is, in one sense, a finishing point. Yet it is above all a starting point, dependent upon the manner in which the various actors charged with its application will perform their functions. Their know-how should enable us to obtain an ever clearer focus on the application of human rights policy in Africa.

Notes

1. For a general survey of the fundamental texts, one might consult the work *La Conquête des droits de l'homme* (The Conquest of Human Rights), published by the Fédération française des Clubs UNESCO and the Ligue des droits de l'homme, le Cherche Midi publisher, 1988, 345 p.

2. Ancestral "wealth" depending not on the amount of capital deposited in banks, but on the number of wives, the number of children, the extent of the farmyard, etc.

3. André Pierredon, *Parole pour tous* (Anyone May Have the Floor), 17 January 1990, Editions SNPP, Caluire.

4. Serge Latouche, *L'Occidentalisation du monde* (The Westernization of the World), La Découverte, Paris, 1989, 145 p.

5. Emile Lamy, "Le droit privé zaïrois" (Zairian Private Law), *Volume 1, Introduction à l'étude du Droit coutumier zaïrois* (Introduction to the Study of Zairian Written Law and Customary Law), Presses universitaires du Zaïre, Kinshasa, 1975, pp. 89 ff.

6. P. -F. Gonidec, "Cours d'institutions publiques africaines (systèmes politiques africaines" (Course on African public institutions (African political systems)) of the fourth year of the *licence* in law, 1967-1968, *Les cours de droit* (Law Courses), Paris, pp. 32-49. Gonidec adds as a third stage the political system of "State" societies in which the sovereign has succeeded in extending his sway to other ethnic groups in order finally to become a "despot", freed of the limitations (with parental connotations) most often made on his power.

7. Michel Alliot, "La coutume dans les droits africains originels" (Custom in the original African Law systems), paper presented at the Congress of the Société Jean Bodin, Brussels, 1-6 October 1984.

8. *Ibid.*

9. On these different influences, see the proceedings of the colloquium organized by the XVIth Congress of the Institut de droit d'expression française, which was held at Rabat from 20 to 27 November 1983, on the theme: religion, philosophy and law. *Revue Juridique et Politique, Indépendance et Coopération*, No. 2, 1984.

10. Michel Alliot, "Religions d'Afrique et Droits d'expression française" (Religions of Africa and French-language law systems), *Revue Juridique et Politique, Indépendance et Coopération*, No. 2, 1984, pp. 696-704.

11. J. Carbonnier, *Flexible droit* (Flexible Law), LGDT, 1971, 2nd edition, pp. 3-5.

12. Isaac Nguema, "Universalité et spécificité des droits de l'homme en Afrique" (Universality and specificity of human rights in Africa), *Revue Juridique et Politique, Indépendance et Coopération,* Nos. 3 and 4, 1989, p. 345.

13. Jacques Chevrier, *Essai sur les contes et récits traditionnels d'Afrique noire* (Essay on the traditional tales and narratives of Black Africa), Hatier, 1986.

14. Kéba Mbayé, "Les droits de l'homme en Afrique" (Human rights in Africa), in *Les dimensions internationales des droits de l'homme,* UNESCO, 1978, pp. 645-664.

15. Ntumu (tribe belonging to the Fang ethnic group) proverb. "Tsit ayene da, mbot meyene mebeny" (pronounced as in French mebègne); literally: "animal seen once, person seen twice".

16. Cyprien Arbelbide, *Les Baoulés d'après leurs dictons et leurs proverbes* (The Baule through their sayings and proverbs), Ceda, 1975, p. 15.

17. *Ibid.*

18. *La conquête des droits de l'homme* (The conquest of human rights), La Fédération française des clubs UNESCO, La Ligue des droits de l'homme, le Cherche Midi publisher, 1988, p. 19.

19. Isaac Nguema, "Réalités gabonaises, justice et développement" (Gabonese realities, justice and development), *Annales de l'Université Omar Bongo*, No. 6, 1985, Libreville.

20. Porto-Novo Declaration for a solidarity agreement issued from the Africa-Europe Encounter organized in Benin from 31 August to 3 September 1989 by the Association Mondiale de Prospective Sociale in co-operation with the Council of Europe and the OAU.

21. Isaac Nguema, "Universalité et spécificité des droits de l'homme en Afrique" (Universality and specificity of human rights in Africa). Contribution to the international colloquium on the universality of human rights in a pluralistic world organized in Strasbourg by the Council of Europe, from 19 to 22 March 1989. *Revue Juridique et Politique, Indépendance et Coopération,* Nos. 3 and 4, 1989.

22. Kéba Mbayé, "Rapport introductif sur la Charte africaine des droits de l'homme et de peuples" (Introductory report on the African Charter on Human and Peoples' Rights), in *Droits de l'homme et des peuples en Afrique* (Human and peoples' rights in Africa), and the African Charter, Report of the Conference organized at Nairobi, from 2 to 4 December 1985, by the International Commission of Jurists.

23. *Ibid.*

24. In France, one notes the Declaration of the Rights and Duties of Man and the Citizen of 22 August 1795.

Principles, Techniques, Procedures and Methods of Military Co-operation in Peace-keeping with Emphasis on the Role of the United Nations and the Organization of African Unity

Emanuel A. Erskine

Introduction

The United Nations, as the world body for the maintenance of international peace and security, has often been criticized for its inability to prevent conflicts and disputes between States. When these conflicts and disputes have escalated into armed hostilities, the United Nations has again often been criticized for having been unable to terminate them.

As a world body composed of Member States that cherish their sovereign rights, the United Nations is dependent on the unqualified co-operation and support of its Members in exercising effectively its primary role of maintaining peace and security. This is a necessary condition for the effective and successful resolution of inter-State conflicts. Where such a condition is denied, it is often difficult to control and resolve the conflict, and efforts are sometimes frustrated.

Nevertheless, Member States which have had United Nations-sponsored peace-keeping missions intervene in their inter-State conflicts will no doubt agree that these missions have been vital stabilizing factors in those conflicts. The fact that its peace-keeping activities have been highly successful was underscored by the awarding of the Nobel Peace Prize to the peace-keeping forces of the Organization in 1988.

Lieutenant-General Emanuel A. Erskine (ret.) of Ghana was the first Force Commander of the United Nations Interim Force in Lebanon (UNIFIL). This paper is entirely based on his personal experience and must be attributed solely to him and not to any organization.

Peace-keeping, as a mechanism for controlling inter-State conflict, has thus become an important instrument which the United Nations utilizes to exercise its vital role of maintaining international peace and security. As long as inter-State disputes and conflicts continue and given the fact that most States would wish to have them resolved peacefully with the help of United Nations peace-keeping, it has become necessary for peace-keeping, as a profession, to be fully understood and its limitations appreciated, not only by the military but also by Governments, politicians and diplomats. Such understanding, it may be expected, will minimize the criticisms that are often levelled against the Organization.

Background to United Nations peace-keeping operations

United Nations peace-keeping started in the Middle East with the establishment in June 1948 of the United Nations Truce Supervision Organization (UNTSO), an observer mission whose principal task was to supervise the mixed armistice agreements in Palestine between Israel and its four Arab neighbours – Egypt, Syria, Jordan and Lebanon – following the outbreak of hostilities as a result of the proclamation of the State of Israel on 14 May 1948. UNTSO is still in operation, although with a modified role, in response to the political changes in the area commencing in 1956.

The second mission, which gave rise to the Organization's first peace-keeping force, that is, with armed troops, was the United Nations Emergency Force (UNEF) I, established in November 1956, with the principal task of securing and supervising the cessation of hostilities and the withdrawal of British, French and Israeli troops from sovereign Egyptian territory following the Suez crisis. The precipitate withdrawal of consent for UNEF I's continuing presence served as the catalyst for the six-day war of June 1967.

The Organization of African Unity has so far mounted only one peace-keeping mission: the operation in Chad in 1982. From all accounts, that operation did not proceed very well. Problems that the mission faced suggest that certain basic requirements for the effective and efficient functioning of the operation were ignored and that organization of the operation was deficient.

Chapter VI of the United Nations Charter deals with resolution of international disputes by peaceful means – negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means. Chapter VII, however, deals with resolution of disputes through peace-enforcement actions, which have political, military and economic implications. In view of the difficulties in invoking peace-enforcement actions, peace-keeping as practised today has evolved, as a compromise, to help the Organization exercise the important function of maintaining international peace and security.

The United Nations today is a repository of peace-keeping experience. In its over 40 years of peace-keeping, it has gone through various difficulties – political, operational and administrative. However, these problems and difficulties have been critically examined by the United Nations Secretariat, field commanders and their staff officers, and corrective actions have been taken to provide an effective and efficient system within which the Organization can operate its peace-keeping missions.

Therefore, for the OAU to improve upon its peace-keeping systems, and in view of the fact that its role in Africa complements that of the United Nations in the world, it is only appropriate and logical to examine OAU's peace-keeping methods, using the principles, techniques and procedures applied by the United Nations as a basis for study.

Such a comparative study would help the OAU to improve upon its peace-keeping techniques. This in turn would facilitate future co-operation between the two organizations in peace-keeping activities, particularly within an African context, where joint efforts might be necessary for the maintenance of peace and security.

The main aim of this paper is to examine the principles, techniques, procedures and systems which are the *sine-qua-non* for the successful operation of peace-keeping missions, with the principal objective of assisting the Organization of African Unity to: (a) improve upon its peace-keeping techniques; (b) facilitate its co-operation with the United Nations in peace-keeping matters; and (c) help African countries to organize themselves more professionally for peace-keeping assignments.

Peace-keeping

Aims and definition

Peace-keeping is a conflict-control mechanism whose principal aims are to defuse tension and to contain international disputes/conflicts or to stop them from escalating into armed conflicts/confrontations.

For example, if the talks held at the United Nations in 1982 between the United States Secretary of State, General Alexander Haig, and the Secretary-General, Javier Pérez de Cuéllar, on the Falklands Islands (Malvinas) dispute had succeeded and United Nations observers/troops had been sent to the South Atlantic, this could have constituted a United Nations peace-keeping mission.

Where disputes/conflicts have already escalated into open, major armed hostilities, a peace-keeping mission would be aimed at (a) stopping the fighting through a cease-fire arrangement (possibly a Security Council resolution); (b) stabilizing the situation; and (c) thereby providing a peaceful environment to enable the governmental, diplomatic and political machinery to resolve the dispute (peace-making process). Examples of this are UNEF II, the United Nations Interim Force in Lebanon (UNIFIL), the United Nations Disengagement Observer Force (UNDOF) and the United Nations Iran-Iraq Military Observer Group (UNIMOG).

Principles for the establishment of a peace-keeping mission

A peace-keeping mission:

a. Is normally established by the Security Council;
b. Is directed by the Secretary-General;
c. Has a command which is unified under the authority of the Security Council;
d. Has the consent of home Governments and parties;
e. Has broad political consensus among the Member States for its mandate;
f. Has military personnel provided by Member States on a voluntary basis;
g. Has military observers who are not armed;
h. Has military personnel armed with light, defensive weapons;
i. Is not authorized to use force except in self-defence;

j. Is not authorized to interfere in the internal affairs of the host country and must not be used in any way to favour one party against another in internal conflicts affecting Member States.

Requirements for effective functioning of a peace-keeping mission

The *political* requirements for a peace-keeping mission include:

a. A detailed agreement between the parties to the conflict, who should be prepared to abide by the terms of the agreement;
b. A broad political consensus among Member States and continuing full support of the Security Council, both of which are essential for the operational and administrative functioning of the mission;
c. Co-operation with the parties to the conflict;
d. Co-operation and support from countries immediately bordering on the area of conflict;
e. Enjoyment of the full confidence, trust and respect of the Security Council, the Secretary-General, the parties to the conflict, the countries in the area of conflict, and the countries contributing to the mission;
f. Readiness of Member States to assist the Security Council and the Secretary-General with the provision of troops required to fulfil the mandate.

The *operational* requirements for a peace-keeping mission include:

a. Security of the mission and unit headquarters;
b. Freedom of movement to facilitate the combat/operational, administrative and logistical activities necessary for the efficiency and effectiveness of the mission;
c. Liaison with all parties, including factional groups, on the ground or operating in the area;
d. An understanding of the *modus operandi* of the mission by all parties and factional groups;
e. The capacity to defend its mandate, United Nations and contingent equipment, and its troops;
f. Knowledge about the indigenous population – culture, customs, habits, religion, confessional communities/

divisions – and respect for them (which facilitates operation of the mission);

g. Humanitarian activities to win the hearts and minds of the local population – a vital pre-condition for peaceful co-existence in the area of operations, especially where a buffer zone is non-existent;
h. Adequate administrative and logistical support to ensure the effective functioning of the mission;
i. Provision of a viable communications system.

The basic principles of peace-keeping

The basic principles which need to be kept in mind and adhered to are:

a. Objectivity and impartiality (facts as against emotion, sensitivities or bias);
b. Self-confidence, knowledge, professionalism;
c. Good judgement;
d. Firmness, fairness and friendliness;
e. Patience;
f. Avoidance of over-familiarity, since this could lead a negotiator into compromising himself, with all the attendant dangers;
g. Safety to enable commanders and troops to stick to the mission's standing operating procedures.

Command and control of the force

One of the principal requirements for the effective functioning of any peace-keeping operation is a clear system of command and control. In view of the fact that participating contingents will be coming from various countries, it is vital that all of them report to one well-identified commander in the field. This is the concept of "unified command", which the United Nations has always practised.

The failures of the United States-sponsored multinational force in greater Beirut in 1982-1984 and of the OAU-sponsored Chad operation in 1982 find their roots partly in their ill-defined systems for command and control.

Their failure thus underscores the viability of the United Nations system, which may be outlined as follows:

Security Council

The Council serves as the highest authority for United Nations peace-keeping missions. It is the Security Council which passes the resolution to establish the mission. It has the final authority for determining the future of the force/mission, namely, extension or termination of its mandate.

Secretary-General

The Secretary-General directs the functioning of the mission. Command and control are vested in him under the authority of the Security Council.

The tasks of the Secretary-General include:

a. Briefing the Security Council, countries contributing troops, and interested governmental representatives on the situation in the mission area as and when necessary;
b. Being responsible to the Security Council for all matters, including extension, termination, operations, administration and logistics for the mission;
c. Giving political guidance to the force commander;
d. Assisting the force commander on matters which require the urgent attention of parties to the conflict (most of such issues would be those that the force commander had been unable to resolve in the field).

The Secretary-General is assisted in the exercise of his functions by a secretariat of political and military advisers in the Office of the Under-Secretary-General for Special Political Affairs (OUSGSPA).

Force commander

The force commander is:

a. Appointed by the Secretary-General with the consent of the Security Council and responsible to the Secretary-General for the efficient operation and administration of the force;
b. Exercises responsibility through OUSGSPA, which actually runs the mission;
c. Maintains daily contact with OUSGSPA and keeps the Office informed as to activities in the area through situation reports filed once or twice a day, depending on circumstances, and

other contact, mainly by telephone and high-frequency radio commands;

d. Exercises direct command and control of all troops assigned by the respective Governments to the peace-keeping mission, as follows:

- Gives direct orders for execution by contingents without resort to the contributing countries;
- Orders are executed directly without clearance from home Governments;
- Does not maintain any formal links or contacts with contributing countries (these are maintained by the Secretary-General through OUSGSPA);
- Maintains at his headquarters the following principal staff: *military* – deputy force commander, chief of staff, and heads of operations, personnel, administration and logistics; and *civilian* – chief administration officer, political adviser, legal adviser, and press and information officer.

Contingent commanders

The contingent-commander concept has been useful. The contingent commander is usually the most senior officer of a unit and is appointed by the home authority (not the United Nations), principally to handle:

a. Issues of home concern affecting the troops, for example, deaths at home and national welfare matters;

b. Serious disciplinary cases involving repatriation of troops. (This is where the rear-link from unit headquarters to the home base becomes very useful. Most units have rear-link facilities to home authorities);

c. Co-ordination of visits to the mission area by national dignitaries.

It should be noted at this point that the contingent commander is answerable to home authorities for the functions shown, not to the United Nations. However, where the most senior officer happens to be in field command, and not in a staff appointment at force headquarters, that officer will obviously combine the two functions, as was the case with contingent commanders in the Chad operation. It should also be

noted that there is a military principle that a staff officer normally does not exercise command. Hence the United Nations contingent-commander arrangement attempts to forestall interference by a staff officer in matters of a purely command nature.

Unit commanders

The unit commander is directly responsible to the force commander for the effective functioning of his unit, both operationally and administratively.

The communications system

A good communications system is a non-negotiable requirement for effective command – especially in a highly unpredictable, fluid and dangerous area of operations, and particularly where the lives of the troops are always in danger. Viable means of transmitting situation reports from the observation posts, check-points and patrols to the unit headquarters, from the unit headquarters to the force headquarters, and from the force headquarters to the next higher authority are vital. Lack of an effective communications system was one of the major difficulties faced by the OAU in the Chad operation. It would, therefore, be worthwhile examining the United Nations field communications system, which, in my estimation, is excellent.

Techniques and procedures to be followed in operating a newly established OAU-sponsored peace-keeping mission

Introduction

Peace-keeping missions normally face their most difficult times at the initial stages of their establishment in the area of operation. The experiences of UNEF II, UNDOF, UNIFIL, Chad and, lately, UNTAG (United Nations Transition Assistance Group), underscore this fact. In due course, most of the problems are eliminated, with the remaining issues becoming of a purely routine nature. Therefore, for a pragmatic discussion of the techniques and procedures of military co-operation in the peace-keeping field, it is practical to examine a peace-keeping mission from its very inception, and to analyse the techniques and procedures adopted to ensure successful operation.

Setting the scene

Let us suppose that:

a. There has been a dispute/conflict between two member States of the OAU.
b. After attempts at resolution through peaceful means have failed, the dispute/conflict escalates into armed hostilities, thereby endangering international peace and security.
c. A member State of the OAU requests the OAU Secretary-General to convene the Assembly of Heads of State and Government to discuss the situation.
d. The OAU Chairman, in co-operation with the Secretary-General, holds emergency consultations with the leaders of member States to consider the request from the member State concerned. (In the case of the United Nations, such a situation is handled by the Security Council, which, by Article 24 of the Charter, is charged with the primary responsibility for the maintenance of international peace and security.)
e. The OAU Assembly, after extensive consultations and discussions, succeeds in calling for a cessation of hostilities and the establishment of a peace-keeping force to supervise the cease-fire.
f. Both parties agree to the cease-fire and accept the terms of reference as contained in the relevant resolution. (In a Security Council resolution authorizing the Secretary-General to establish a peace-keeping force, he is requested to report within a specified short period of time to the Council his plans for its implementation.

In his report, the Secretary-General addresses the following vital issues: (a) the command structure and the appointment of the force commander, (b) the force level, including support staff, (c) the type of weapons with which to arm the force, (d) privileges and immunities, (e) logistical support, and (f) the estimated cost and method of financing.)

To be able to count on the full support and co-operation of the parties to the conflict, it is important that they accept the resolution and its terms of reference. Finally, it is vital, for the effectiveness of the force, that an agreement governing the peace-keeping operations be signed between the parties as soon as practicable. The principal

objectives of the peace-keeping force will be to: defuse tension, provide buffer time, help build confidence between the parties, and create a peaceful environment conducive to the peace-making (negotiating) process, until a mutually acceptable solution of the problem has been found.

With the authority given to the Secretary-General, he establishes the peace-keeping force and appoints the force commander.

Five member States of the OAU accept the Secretary-General's request to provide contingents. Accordingly, within seven days, the cease-fire should come into effect and the contingents should commence arriving at the mission area.

Activities/concerns of the force commander with respect to exercising his new peace-keeping command

Priorities

The force commander should first of all study the OAU resolution (mandate), which is the main authority for the force. He must understand the terms of reference contained in it, because it is on this basis that the force concept will be developed and the standing operating procedures to guide the overall operations of the force will be prepared.

He must then assemble his principal staff for the force (if they can be made immediately available) in order to start deliberations on the execution of the mandate, and establish an effective force headquarters immediately. The vital staff to be made available at the headquarters will include those responsible for operations, logistics, engineering, signals (communications), air liaison, information (intelligence), movement, control, medical, press information, humanitarian concerns and welfare; and a camp commandant to look after the security of the headquarters.

Area of operation

The force's area of operation should be clearly defined:

a. This should normally be defined in the agreement between the parties (as in the case of UNEF II and UNDOF).
b. In the absence of an agreement, the area of operation will have to be discussed and agreed upon by the parties to the conflict. (UNIFIL does not have an agreement signed

by the parties, and this omission has constituted the major handicap in the successful execution of its mandate.)

Simultaneous activities

Numerous activities must be put into effect concurrently, including:

Operations.

- Delineation of the force's area of operation into unit/contingent areas of operation/responsibility;
- Preparation of the force's standing operating procedures to support the force concept;
- Derivation of units'/contingents' standing operating procedures from the force's standing operating procedures. (Operations staff officers at the force headquarters should be well equipped to give incoming unit/contingent commanders sufficient operations briefing upon their arrival in the mission area);
- Initial briefings to newly arrived commanders by guides escorting units/contingents to unit areas.

Information (intelligence).

- As much information as possible relating to the habits, customs, cultures, traditions, religions and taboos of the local population should be collected and collated. Troops should be properly informed about them and made to respect them.
- Information about the prevailing politics and various armed factions operating in the mission area is vital to the functioning of the force.

Communications.

- Linking the force to the superior headquarters (OAU headquarters) enables the force commander to be in touch with his superior authority, a most important requirement;
- Linking the force headquarters with units/ contingents headquarters;
- Linking the force headquarters to the parties to the conflict.

Logistics. Logistics staff will be concerned with the following activities: (a) feeding the troops; (b) accommodation; (c) supply of petrol, oil and lubricants; and (d) acquisition of supplies and their storage, especially perishable food items.

Movement control. It is important to establish an efficient system at entry points to receive and welcome arriving troops. The following facilities should be made available at these reception centres: (a) rest and accommodation, (b) feeding, (c) washing and field toilet, (d) briefing and (e) exercise.

Medical. A base medical hospital will have to be established to handle:

- Serious medical cases and accidents requiring the attention of specialists;
- Outbreaks of disease in a new environment (hepatitis);
- Humanitarian assistance to the local population.

Engineering.

- Establishing water points if water is not immediately available in the vicinity, including water purification facilities;
- Mine-clearing in the area of operation and surrounding farms;
- Improving roads (supply route/lines of communication).

Humanitarian. In an area of operation which has been badly hit by armed hostilities, there are bound to be several difficulties – shortages of food and water, lack of medical care, and problems relating to hygiene. It is vitally important for the force to address itself to such situations, since this will enhance its image and credibility among the local population.

Activities in unit/contingent areas

Battalion commanders. Upon arrival at the unit location, the battalion commanders should immediately concern themselves with the following:

- Understanding the force concept and force standing operating procedures. (They will receive their initial briefing from operations officers, force headquarters or guides/escorts);

- Giving detailed briefings to their subordinate commanders and staff officers. The briefings should cover the following: (a) the force mandate and its terms of reference; (b) the force concept; (c) organization of the force (if known); (d) the force's areas of operation; and (e) the unit tasks, areas of operation and operational activities, such as patrols.

Whenever necessary, force headquarters should guide units in determining locations for command posts and operational posts and in determining the types of patrols to be performed by the unit. It should assist in setting up a communications network for the force, and other elements in support of the force: medical, logistics, repair and maintenance, administration, engineering, air, transport and supply. All of these should be fully covered in the course of the briefings for the battalion commanders.

Unit commanders. It is the duty of the unit commanders to ensure the following:

- That their officers and men are fully conversant with the unit's standing operating procedures;
- That there are good working and living conditions for the troops;
- That the units are operationally efficient and effective.

Contact with the parties

While the force headquarters staff and unit/contingent commanders are engaged in the above activities, the force commander should endeavour to establish immediate contact with the parties to the conflict. His initial discussions with the parties should concentrate on:

a. Clarification of the mandate and terms of reference, in case there are ambiguities;
b. Compliance with cease-fire requirements;
c. Modalities for the withdrawal of fighting forces;
d. The *modus operandi* of the peace-keeping force.

Such contacts with the parties should promote understanding with them. At such meetings, the force commander should seriously solicit the support and co-operation of the parties as the basis for the operational success of the mission.

Other duties

With time, procedures for the operation of the force should be worked out in detail and understood by all ranks. The following areas should be fully covered:

Combat operations.

- Use of force, particularly when to open fire;
- Check-point duties – searching for arms/ammunition/ explosives, checking infiltrations/encroachments;
- Observation post duties – determination of violations (ground, sea, air) of cease-fires;
- Preparation of situation, violation, and shooting-incident reports;

Patrol duties (concentration on appropriate patrols);

- Inspections – areas of separation and areas of limitation of forces.

Personnel matters. Medical (evacuation procedures); reports of deaths, injuries (causes and circumstances) are important to home Governments, especially in cases of armed confrontation; unit strengths and discipline, rotation, pay and allowances.

Logistics. Included are demands for supplies of food, petrol, oil and lubricants, accommodation, clothing, transport, recovery, repair, maintenance, procurement, claims/reimbursements and write-offs.

Most of the procedures described above should be similar to normal military procedures, except that they should follow OAU rules of procedure and should also be appropriate to the mission area.

Conclusion

In general, the first days, weeks and months of any new peace-keeping mission will be spent in getting to know better the terrain, the local population and the important personalities in the area of operation, and the problems of the area (why OAU troops are there); in improving the logistical support systems, standing operating procedures and other procedures; and in increasing the effectiveness and efficiency of operational action and activities.

Need to review OAU techniques and systems in peace-keeping operations

Introduction

Peace-keeping is a necessary, even vital, conflict-control mechanism, which the Organization of African Unity together with the United Nations will continue to use. Hence, I feel that the OAU needs seriously to review its systems and techniques, especially in the areas of:

a. Administration and logistical support
b. Methods of funding
c. Rules of engagement.

Administration and logistical support

Effective and efficient administration and logistical support are the most important requirements for the successful operation for any peace-keeping mission.

It should first be emphasized that the concept that contingents/units should be self-sufficient and self-contained for logistical support, even for second-, third- and fourth-line support, is both unrealistic and most unsatisfactory. In fact, second-, third- and fourth-line facilities must be made available and centralized by the sponsoring organization as a matter of force policy in support of its operations. Important areas of second-, third- and fourth-line logistical support requirements are:

a. Transport: vehicles for troop rotation, leave/welfare visits, moving supplies from ports/airfields, and air support, if available for short-distance travel and medical evacuations;
b. Communications: unit headquarters to force headquarters, and force headquarters to superior (OAU) headquarters. (It is anticipated that communication between a unit headquarters and its forward elements can be provided by most contributing Governments);
c. Engineering: major construction works, mine-clearing, road improvement, water purification and the establishment of water points;
d. Supplies: storage facilities, including refrigeration for food and other perishable items;

e. Medical: for medical cases that cannot be treated at unit regimental aid posts and require specialist attention at field contingent-base hospitals;
f. Repair and maintenance: recovery facilities for vehicles and heavy equipment.

Apportionment of responsibilities for administration and logistical support

I would propose that serious consideration be given to having individual OAU countries agree ahead of time to assume responsibility for the provision of the above logistical support. My reasons are twofold:

a. In the African environment, with its scarcity of funds, it is impossible to assemble at very short notice the facilities required to support peace-keeping activity.
b. Essential equipment, such as vehicles and radios, is not readily available in predictable quantities on the international market. Procurement orders would take six to nine months or more to be filled – obviously too long a time for peace-keeping missions, which always arise as emergencies.

By apportioning such responsibilities (which are usually not handled in United Nations-sponsored peace-keeping operations by a single country because that is impossible), OAU countries could allow themselves a longer period of time for organizing and could always hold themselves in readiness to provide specific logistical support in an emergency. If this concept is acceptable to the OAU, it should be negotiated with its member States.

An OAU storage depot

OAU would have to hold certain items in storage, such as: (a) clothing; (b) generators, tents, refrigators and cooking equipment; and (c) sufficient vehicles and radios to assist countries which would be most willing to contribute troops, but which would be incapable of providing first-line requirements other than personal weapons.

Methods of funding

The present system, whereby each contributing country is made financially responsible for supporting its troops, makes it seem as if participation in an OAU-sponsored peace-keeping mission is a

punishment. The system may also discourage some countries from participating because they are simply unable to afford to.

It would therefore be worthwhile for OAU to examine the United Nations system, which is funded through:

a. Voluntary contributions, such as for UNFICYP (United Nations Peace-keeping Force in Cyprus). This method is deemed unsatisfactory by the United Nations;
b. General assessment, whereby the cost of the mission is considered an expense of the United Nations and every member State is apportioned part of the overall cost; examples are UNEF II, UNIFIL, UNDOF and the current observer mission in Iran/Iraq;
c. Regular budget, as in the case of UNTSO.

I suggest giving serious consideration to the adoption of the second system; costs would be borne by all OAU members, irrespective of whether they contributed troops.

It is true that peace-keeping is not inexpensive. However, I feel that OAU-sponsored peace-keeping missions can be run at less cost than United Nations-sponsored ones. This thought could be given further study, especially with regard to the question of troop reimbursements and allowances.

Rules of engagement

The practice employed in the Chad operation, whereby troops were not permitted to use their weapons, needs serious review. It would be worth looking into the United Nations policy on the use of force in self-defence. There are three principal, well-defined circumstances wherein United Nations peace-keeping troops are permitted to use their weapons, and even to go on the offensive: (a) in defence of the mandate; (b) in defence of equipment owned by United Nations contingents; and (c) where individual life is threatened.

Whether or not the United Nations policy would be appropriate, there is a clear need for a review of OAU's standing operating procedures on rules of engagement.

Areas for further study

Various other aspects of peace-keeping also warrant further study. One of these is the part to be played by the OAU

Secretary-General in the day-to-day functioning of the mission; another is the command relationship between the troops, the force commander, OAU headquarters and the contributing countries.

My own view is that the United Nations system and chain of command, as described above under the main heading "Command and control of the force", could be adopted for use by the OAU.

The form of support which should be expected from the United Nations is another area which warrants consideration. My view is that some financial and logistical assistance could be expected, in order to supplement the contributions from OAU member States, and that advice which the OAU might require to run its operations would be useful.

In the area of logistics, possibilities are:

a. Airlift of troops from home bases to mission areas;
b. Airlift of troops on rotation;
c. Shipment of major equipment and supplies from areas of procurement to the theatre of operations;
d. Assistance with vehicles, particularly the so-called "B" echelon-type; engineering equipment, with the actual need to be determined by the situation in the mission area; communications equipment; equipment to furnish and run field base hospitals; and tents, refrigeration, items of clothing and cooking facilities. (While it is anticipated that the OAU would make the effort to provide these, the United Nations could be approached when difficulties are encountered.)

Yet another area to be examined is that of support from friendly countries outside Africa. My view is that such countries could offer further financial aid and logistical support.

Establishment of a military/civilian secretariat

There is an urgent need to establish a small secretariat, such as the United Nations Office of the Under-Secretary-General for Special Political Affairs. It would be composed of seasoned military and civilian personnel, including political advisers, to start working on rules, procedures, concepts, systems and techniques covering the areas discussed above. This secretariat could also consolidate thoughts on, and give further professional consideration to, the subjects appearing under "Areas for further study", above.

The cost of such a secretariat could be minimized if the member countries would agree to assume the financial cost of their respective staff (one, at most, from each contributing country). The Organization of African Unity could then take responsibility for the office facilities and transportation.

The OAU has the professional, human resources for a secretariat and there is no reason why one could not be established at the present time. I stress the urgency, because there is a clear need for a certain degree of pre-planning in anticipation of the next peace-keeping mission. Such pre-planning will be an essential factor in the success of future OAU-sponsored peace-keeping operations, and it requires the most serious and favourable consideration.

To foster better understanding, the secretariat envisaged should be located at the OAU secretariat headquarters in Addis Ababa.

Review of the OAU Charter

I believe that the use of peace-keeping missions (force and observer) as a conflict-control mechanism was not foreseen and, hence, is not mentioned in the OAU Charter. Nevertheless, given, on the one hand, our contemporary history of inter-State conflict and, on the other, the use of peace-keeping to defuse tension, buy time and create an environment conducive to peace-making through governmental and diplomatic and political machinery, I see peace-keeping as a vital tool for the OAU conflict-control system, and I suggest that serious consideration should be given to including it in the OAU Charter.

Conclusion

There is an urgent need to review the OAU's systems, rules, procedures and techniques for its peace-keeping operations: to analyse where they have gone wrong and to determine what should be done to rectify previous errors. Such a review could help to ensure that old errors would not be repeated and new mistakes would be avoided, and that OAU peace-keeping operations would be respected by the international community.

Peace-keeping is a profession. We need in-depth study of its techniques so that we can conduct peace-keeping operations in a professional manner.

Crisis Management: Simulation Exercise

Tommy Imobighe

What crisis management entails

The dictionary meaning of crisis is "a moment of high tension". So crisis in the context of international relations could mean a moment of great danger and suspense in the international system, or in the relationships between the affected parties. Crisis lies at the crucial junction between peace and war.

Management, on the other hand, means "control and direction". Hence "crisis management" is concerned with the way statesmen direct and control the strain and stresses in the international system in order to prevent them from reaching a breaking point which could lead to war. It is also concerned with institutional arrangements and procedures for dealing with international crises so as to keep them under control anytime they occur as well as to resolve them with the least possible damage. In recent times, crisis management has expanded to embrace the prevention of crisis or conflict.

Essence of crisis management

There is nothing new in crisis management. It has always been part and parcel of international diplomacy. Diplomats and statesmen have always tried to control events and prevent crisis situations from exploding into war. It is when they fail that war occurs. Hence, the essence of crisis management as far as inter-State relations are concerned, is to prevent war, to minimize areas of conflict and, when conflicts occur, as they inevitably will, to resolve them through peaceful means. And this has become very important because advances in military technology have turned war into a very costly option for settling international disputes.

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Even though our discussion here is concerned with inter-State relations, it must be noted that crisis management is also relevant to the domestic environment. This is obvious, as crisis situations are as common within the domestic environment as they are within the international environment. In fact, it is not uncommon to find a domestic crisis having serious international consequences. For instance, the First World War evolved from what today could have been regarded as a purely domestic affair of the Austro-Hungarian Empire. In Africa today, internal crises have proved more worrisome to a number of the States than external ones. It is therefore extremely important for statesmen to maintain effective control over events within the domestic environment in order to prevent them from getting out of hand.

Most importantly, conflict management has a special significance for Africa, given the continent's present State of underdevelopment, if only to conserve African resources within the continent, and tailor them towards increasing domestic production instead of wasting them on unnecessary militarism.

Types of crises

Crises may be classified in a number of ways. For instance, they can be classified in terms of the number and spread of the actors, for instance, bilateral and multilateral crises, or regional and global crises. They could also be classified in terms of their nature, such as simple and complex crises:

- *Simple crisis*. This refers to a crisis which is plain and straight-forward, in which the issues are clear and the actors are easily identifiable;
- *Complex crisis* (or what is now commonly regarded as a deep-rooted crisis or conflict). This refers to a crisis in which the issues are neither clear nor can the actors be easily identified. Such is the case with regard to most African conflict situations; hence, inter-African crises are usually sprawling, shapeless and indeterminate.

However, the classification that is generally used is the one based on the nature of the existing relationship between the actors, namely intramural and adversary crises.

a) *Intramural crisis*. This refers to a crisis between friends or within an alliance; such as between members of the Organization of

African Unity (OAU), the Economic Community of West African States (ECOWAS) or the European Economic Community (EEC);

b) *Adversary crisis*. This refers to a a crisis between enemies or rivals.

Whereas failure to manage category (a) may not necessarily lead to war, but perhaps to a rupture, the failure to manage category (b) could easily lead to war.

Attitudes of statesmen

Statesmen usually have their own priorities in crisis bargaining, even though the general objective is the promotion of peace. Some are usually more interested in victory than in the mere objective of promoting peace. In such cases of differing attitudes, it is the party interested in victory that gains at the negotiating table over the one interested solely in the avoidance of war. This is simply because the former is more prone to taking risk than the one interested in promoting peace. After all, crisis management is more or less a competition in risk taking.

Some techniques for gaining from crisis bargaining

Techniques for making gains through bargaining include:

- burning one's bridges
- making irrevocable commitments
- publicising one's commitment
- giving the impression of irrationality
- crossing the threshold

These are mainly techniques which are meant to demonstrate resoluteness and create problems for the possibility of retreat on one's own part, thereby transferring the onus of solving the crisis to the opponent.

The danger of using coercive bargaining tactics

The success of the coercive bargaining tactics noted above depends on their unilateral use. If both parties make strong public commitments, both adopt a rationality or irrationality model, or both are

prepared to adopt escalatory signals, the likelihood of disaster will be very much increased. The danger therefore is essentially one of miscalculating the opponent's willingness to stand firm. Coercive bargaining tactics should not be encouraged in intra-African crisis management. Rather we should cultivate the habit of using mutually beneficial tactics, some of which are given below.

Mutually beneficial bargaining tactics:

Some tactics promising mutual benefit through bargaining are:

- maintenance of unbroken communication links with the opponent
- preparedness to compromise
- building "golden bridges" behind the opponent to facilitate his retreat
- avoidance of misleading ambiguities in the signals sent to the opponent

Another important point to emphasize is that in deep-rooted conflict, which is difficult to manage, we should be prepared to enlist the services of a third party. This is where the OAU ought to have played a tangible role in helping to resolve inter-State conflict in Africa. Unfortunately, the body set up by the OAU to manage inter-State conflicts in the continent was never put to effective use before it effectively ceased to exist. All along the OAU has relied on *ad hoc* arrangements; hence, up until now, the organization has failed to evolve a reliable culture of conflict management.

Conclusion

There is definitely an urgent need for more intensified efforts by the Organization of African Unity in the area of conflict management. The Organization must seek to attain a special competence in conflict management if its member States are to stop unnecessary investments in "guns". The armaments are not produced in Africa. So any amount spent on them is an investment lost to Africa and a set-back to the continent's development.

Let me conclude also by praising the wisdom that brought us together here, to create this awareness and to share ideas on the very important theme of this workshop.

The Role, Techniques, Principles and Procedures of Mediation, Negotiation and Arbitration in the Field of Conflict Resolution:The Role of the United Nations

James Jonah

In the light of some comments made this morning to the effect that Africa is either missing its place in history or allowing events to pass it by, it is important to examine the topic of the United Nations role in negotiation, mediation and arbitration. This is a subject of which, I think, Africa should be more aware, since quite often African issues are handled in the international arena without a major African input. The reason might well be that Africans are not sufficiently familiar with some of the procedures and techniques that are used in international diplomacy, and so I welcome the opportunity to spend some time this morning discussing this vital topic.

The provisions for mediation, negotiation, conciliation and arbitration are set out clearly in the Charter of the United Nations. Article 33 contains procedures which Member States are obligated to adopt in trying to resolve conflicts to which they are parties. I should like to point out that even though each of the terms "negotiation", "mediation" and "conciliation" has a specific meaning in international law and diplomatic practice, in the United Nations context they are used more loosely. For example, there is no clear delineation made between "mediation" and "negotiation". There is, rather, a tendency to use these terms interchangeably and, at times, to use the word "talks" rather than "negotiations". This is not just due to a lack of precision in the use of language; quite often, in some conflicts, it is very difficult to state clearly what one is doing. In some cases, one might not use the term "mediation" at all if there was a risk that some parties to a conflict would reject outright the very concept because they did not like the idea of a third party putting forth proposals.

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I will now discuss the way in which the various organs of the United Nations handle the issues of negotiation, mediation and arbitration. I will not dwell much on arbitration, because this is more of a legal procedure, and is not often resorted to in the United Nations context. I will talk more about "negotiation", "conciliation" and "talks", and the three organs I want to examine are the General Assembly, the Security Council and the Office of the Secretary-General.

By and large, one can say that the major focus of the United Nations efforts in recent years has been the Office of the Secretary-General. It is, however, important to know the role that the two other organs have played historically. The General Assembly has very broad powers indeed under Articles 10, 11 and 12. However, it is not permitted under the Charter to take any action on the maintenance of international peace and security. It can discuss problems, broadly speaking, but not take action. When I say this I am very much aware of the famous "uniting for peace" resolution of 1950, by which an attempt was made, in a sense, to amend the Charter so as to give the General Assembly the possibility of being involved in the maintenance of peace. This was done by saying that, if the Security Council was unable to take decisions because of the application of the veto, the Assembly would be able to convene to discuss the matter. While this procedure was used in 1956, in recent years there has been a tendency among States not to make use of it because it is, in fact, counter-productive.

Nevertheless, the Assembly itself has had, on occasion, to deal with negotiation and mediation. One of the famous cases in earlier years concerned Palestine. In 1947, after considering the report of the United Nations Special Committee on Palestine, the General Assembly endorsed a plan for the partition of the territory. However, the plan was not accepted by the Palestinian Arabs and by Arab States. The General Assembly appointed a mediator, Count Bernadotte, who went to the area and tried to resolve the conflict that broke out following the United Kingdom's relinquishment of its mandate over Palestine and the Jewish Agency's proclamation of the State of Israel. The Count was one of the first casualties of United Nations efforts at conflict resolution; he was assassinated just as he was about to put forth proposals that the Israeli side felt were not in its interest. Later on, Dr. Ralph Bunche took over the responsibilities of mediator, and in 1949 in Rhodes, he was able to bring about the various armistice agreements which led to a truce in that

dispute – a dispute which is, of course, still with us. This was one of the initial attempts of the General Assembly at mediation, involving the establishment of a committee and the appointment of a mediator.

The Security Council has specific responsibilities under the Charter to deal with issues affecting international peace and security. Of course, one should not forget that the Charter leaves it up to Member States to resolve their disputes without the intervention of the United Nations. It is only if a dispute continues and threatens international peace that the Security Council can be directly involved.

The Security Council has, of course, had its ups and downs in matters of negotiation, mediation and conciliation; recently there have been promising signs that it can indeed function as the founders of the Organization envisaged it would.

Broadly speaking, one could say that although until very recently the Council has not been able to agree on direct action to resolve conflicts, it has quite often been able to approve general guidelines for their resolution, guidelines that were accepted by the international community. For example, the framework for resolving the Middle East dispute was laid by the Security Council in 1967 in its famous resolution 242. That resolution stipulated the following principles for a just and lasting peace: withdrawal of Israeli forces from territories recently occupied, termination of all claims or states of belligerency, and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries.

The Assembly may also set broad guidelines for the eventual resolution of a crisis. For example, in terms of the Palestinian issue, the Assembly established the principles of the right of return and compensation, and in the 1970s, when it appeared that Security Council resolution 242 did not adequately take into account all the dimensions of the Palestinian question, the Assembly adopted principles which underlined the necessity of self-determination for the Palestinian people. Such principles now form part of the guidelines for any considered solution of the Middle East problem.

More recently, in the bitter conflict between the Islamic Republic of Iran and Iraq, the Security Council was able to adopt resolution 598 (1987), which set out guidelines for resolving that conflict.

It must be admitted that the Security Council and the General Assembly, while they are very good at elaborating broad outlines for solving certain problems, have often lacked the political will to enforce the implementation of their guidelines. The reason may well be that, in order to obtain consensus in the Security Council, there is a tendency to adopt texts containing ambiguous wording, and one party or the other is then able to exploit these ambiguities so as to prevent negotiations. For example, in resolution 242, the fact that there is no definite article in front of the word "territories" has been used by Israel to assert in the Security Council that it does not have to withdraw from all occupied territories, even though in the preamble of the resolution it is clearly stated that no State can acquire territory by means of war. Similarly, in terms of resolution 598, even though it contains clear guidelines, the parties could not agree as to which should come first: withdrawal from territories or exchange of prisoners of war. These disputes between the parties over the interpretation of the guidelines often means that the underlying political disputes cannot be resolved.

With respect to the situation in Cambodia, the Security Council and the General Assembly have a shared responsibility. They have both followed an important principle in dealing with this case: the United Nations does not make any kind of definitive judgement about the legitimacy of a Government that seizes power in a *coup d'état*. However, it takes a very firm position *vis à vis* a Government that is installed by an outside Power. This is a subtle distinction, and one that explains why there is so much reluctance on the part of the Assembly and the Security Council to settle the question of Cambodia's membership in the United Nations.

Another procedure that the Security Council has followed is the holding of "consultations", although there has been a shift in the form in which they take place. In the very beginning, the President of the Security Council would meet with members of the Council or with parties to the conflict in his office to resolve problems. In the 1970s, the Council went a step further by formalizing these consultations—a step that I, personally, have some difficulty with. My fear is that this practice appears to be contrary to the principles on which the League was founded and which the United Nations has followed, namely, open covenants, openly arrived at. First, too often the consultations do not include the parties involved, as they may not be members of the Security

Council. Secondly, you find Member States in such consultations taking decisions that they would not take in public. Nowadays, what you see in the Security Council is a formal meeting; everything has been agreed to beforehand within a small group. Although this system could be said to facilitate decision-making, what will happen in 50 years when scholars look at a problem? They will not see what really went on, because no record is kept.

Sometimes a Member State that is a party to a conflict argues that the Security Council and the General Assembly influence negotiations negatively in that they adopt resolutions that the party feels are contrary to its interests. Here, of course, we are dealing with the basic principle that parties to a conflict will not resort to a forum in which they believe they have no support. With respect to the Middle East, for example, Israel, which does not accept all the principles set out in Security Council resolution 242 (1967) and the relevant resolutions of the General Assembly, has said that it does not want the United Nations to be involved in settling the dispute. With respect to Cyprus, the Security Council and the General Assembly espouse the view that any solution to the problem should be found within the framework of a unitary State, which is contrary to the Turkish Cypriot view of the desirability of separate States.

Dag Hammarskjold developed a technique, known as the "Peking Formula", for dealing with such situations. In 1954, following the adoption of a General Assembly resolution that condemned the trial and conviction of captured personnel of the United Nations Command in Korea, the Secretary-General was faced with the necessity of negotiating with the Government of the People's Republic of China and that Government's unwillingness to receive him because of its opposition to the resolution. Hammarskjold in effect laid aside the resolution and said to the Government: "I am coming to you in my capacity as the Secretary-General of the United Nations to resolve this issue". By this procedure, he was able to deal with the problem successfully.

It is very surprising that the political role of the Secretary-General is now so widely accepted, because at the very beginning there was a certain ambivalence about it. The Charter of the United Nations does not specifically accord the Secretary-General the functions of negotiation and mediation. Article 99 states that the Secretary-General

may bring to the attention of the Security Council any matter which in his opinion may threaten international peace and security. What Dag Hammarskjold did was to say that there was a corollary to Article 99, to the effect that if he was able to come to the Council on specific issues, then he must also have the right to conduct investigations or to try to mediate. Then, if he failed, he could better judge whether the situation constituted a threat to peace. He used this procedure very skillfully. At that time, however, the Soviet Union believed that the Secretary-General's role should be confined to that of chief administrative officer of the Organization, as set out in Article 97. Happily, under President Gorbachev, the Soviet Union now fully accepts the political role of the Secretary-General.

The techniques that the Secretary-General uses are called "good offices" and "quiet diplomacy". Good offices can come into play only when all the parties to a conflict are willing to accept his good office. There are many, many instances where a party has approached the Secretary-General and asked him to use his good offices, but he has not been able to because the other side was not prepared for him to play that role. If both sides agree, he can act without any specific authorization from the Assembly and the Council. He may try to assist the parties directly, or he may appoint a personal representative. (If, however, the Assembly or the Council requests him to appoint someone, that person becomes a "special" representative.)

The technique of appointing a personal representative is an important one, and has been used most recently in dealing with the situation in Central America. The Secretary-General enjoys the confidence of the Central American Presidents and has been able to win them over, in a sense, to United Nations mediation. The Secretary-General has, of course, also appointed representatives to assist him in resolving the dispute between the Islamic Republic of Iran and Iraq, and in Afghanistan.

It is important to bear in mind that the success of the Secretary-General in the past few years has been mainly in terms of keeping up the momentum. He never gave up during the long years of trying to mediate or carry on talks with the parties to conflicts, and when the time was ripe for a solution, he was there to seize the opportunity. This is a valuable service that he has performed apart, of course, from peace-keeping, in which he has continued to play a crucial role.

He has decided – I think very realistically – that he or his representatives need the support of the five permanent members of the Security Council in order to carry out good offices successfully, and he sets out by meeting the five permanent members in private discussions, individually or collectively. This technique is controversial, because the non-permanent members feel that they should be equally consulted.

There is some tension between the permanent and the non-permanent members of the Security Council in situations such as this. Recently, the five permanent members met in Paris to try to tackle the implications of an Australian proposal to set up a United Nations interim administration before elections are held in Phnom Penh. I know that the non-permanent members are not happy that the five are meeting on their own. But the reality of the situation is that the five, by themselves, cannot adopt any resolution in the Security Council. They need at least four more votes, assuming that they agree among themselves. Attempts are being made to bring about more co-ordination between these two groups, that is, the permanent and the non-permanent members of the Security Council, so that they can co-operate better in resolving disputes.

We cannot, of course, lose sight of the importance of the veto. The veto or the threat of its use has hampered the United Nations capacity to solve problems because one side has always been able to rely on one of the permanent members to use the veto on his behalf. Now, however, that we are witnessing agreement between the Soviet Union and the United States on a broad range of issues, no one can be certain any longer that the veto will be used on its behalf, and this has, of course, created some nervousness among the non-permanent members of the Security Council. It seems likely that the super-Powers will want to extend their co-operation to many other areas, and that it will be only on occasion that each one's vital interests will prevent full co-operation, as, for example, in the Iran-Iraq war and in Afghanistan. The remaining super-Power rivalry still gives at least some leeway to the medium and small States in the United Nations.

In terms of specific African disputes, the United Nations activity has been limited because of the position of the OAU, which evolved over time out of the bitterness felt by Africans following the Congo débâcle, that it would try to find an African solution to any dispute among its members. Accordingly, the OAU has tended not to

welcome United Nations intervention in terms of negotiation and mediation in intra-African conflicts. However, there have been instances where the OAU has called upon the Secretary-General – and I emphasize the Secretary-General, and not necessarily the Security Council – to become involved.

The classic case of course is that of the Western Sahara, where, because of Morocco's willingness to have the Secretary-General become involved, he has been playing the leading role. The parties still maintain their positions on a number of issues, and it has not been possible to resolve the matter. None the less, I think the Secretary-General and the OAU will continue their efforts.

The United Nations of course played a major role in resolving the Namibian question. The Council's pertinent resolutions, 385 (1976) and 435 (1978), set guidelines to be followed. However, in the negotiations on Namibia – and this is my own assessment – the African States were caught by surprise. The OAU and the United Nations had been against the linking of the Angolan question to Namibian independence. Yet, United States Assistant Secretary of State Crocker did just that. While we all were thinking that he was working on the problem of the Cuban troops in Angola, he was focusing on the South African problem with SWAPO (South-West African People's Organization), and he was able to pull off its solution – pulling the rabbit out of the hat, as it were, when no one was really looking. It is important that you understand the techniques and procedures that are used in diplomacy, since otherwise you will often be taken by surprise.

The other problem which I would like to mention is that of African internal strife. As you know, it has always been very difficult, not only for the OAU, but also for the United Nations itself to get involved in such problems. During the Nigerian civil war, U Thant was under pressure: he had to respect the sovereignty of the Republic of Nigeria, but he also had to make certain at least that the allegations of brutality were not true. That was the extent to which he could go.

In the case of the Sudan and Ethiopia, there exist even greater difficulties. There are, of course, large-scale humanitarian programmes which are carried on by the United Nations Children's Fund and by other United Nations Nations agencies, but the Secretary-General and the United Nations have really refrained from intervening in the political disputes. With respect to the situation in Ethiopia and the

request by the EPLF (Eritrean People's Liberation Front) for a United Nations observer, the Organization is not in a position to provide observers and is being accused of not playing a useful role. To understand the dilemma in which the United Nations finds itself, one must realize that the Organization really cannot allow itself to be used by one side or by the other to promote that side's objectives.

Agreement on Non-Aggression and Assistance in Matters of Defence between the States of the West African Economic Community and Togo

Jean Gomis

Introduction

For Africa, the year 1960 was the beginning of a new age, the age of independence for most of the States that today exercise their sovereignty.

For many States, too, 1960 was the point at which they began to become aware of their responsibility in the area of defence and security.

Indeed, this nascent dawn filled with promises was unfortunately marred with conflicts, some of them quite murderous, and with dangerous threats. It was for this reason that, in an atmosphere of precariousness and uncertainty, a situation undeniably marked by conflict, the leaders of the African States gave serious thought to the establishment of security organizations to safeguard their independence and proceed with national development.

This major preoccupation was reflected in particular in the creation of:

- the African and Malagasy Union for Defence (UAM), in 1961
- a Defence Commission of the Organization of African Unity (OAU), in 1963

While the former was ephemeral, the latter has not yet been able fully to achieve the objectives set for it, despite the laudable efforts that it has made. While security concerns have not been allayed, over the years we have witnessed initiatives aimed towards security both in the discussions and in the adoption of resolutions within the framework of various international organizations.

General Jean Gomis is Secretary-General of the Agreement on Non-Aggression and Assistance in Matters of Defence between the States of the West African Economic Community and Togo, at Abidjan, Côte d'Ivoire.

This, then, is the environment within which the member States of the West African Economic Community (CEAO), joined by Togo, considering that no development could take place without a climate of peace and security, deemed it necessary to provide themselves, in addition, with an organization whose essential mission would be to promote peace and security within the Community and to establish the basis for mutual assistance in the sphere of defence.

Thus, at the end of a conference held at Abidjan on 9 June 1977, the heads of State and Government of the Ivory Coast (Côte d'Ivoire), Mali, Mauritania, the Niger, Senegal, Upper Volta (Burkina Faso) and Togo signed the act constituting the Agreement on Non-Aggression and Assistance in Matters of Defence (ANAD) between the States of the West African Economic Community and Togo.

The advent of ANAD marked a turning point in the relations among the seven States of West Africa, already traditionally bound by a number of factors of a geographic, historic, cultural and political nature. ANAD is a concrete illustration of the trust and solidarity that exist among the associated States, which have thus established co-operation in an area as delicate and sensitive as that of defence. As far as we know, ANAD is one of the rare defence organizations at the continental level that has an operational capacity.

Within the framework of the programme of this workshop, I propose to speak to you, after a brief presentation of our institution, on its objectives and its mechanism of operation, illustrated by a concrete case, "No. 1", and unresolved case, "Plus one".

Presentation of ANAD

The organization chart, or structure, of ANAD is represented by three bodies:

- the Conference of Heads of State and Government
- the Council of Ministers
- the Secretariat General

The Conference of Heads of State and Government and the Council of Ministers meet in a regular session every two years and in a special session at any time in case of necessity.

The Secretariat General is a permanent organ, having its headquarters in Abidjan. It has an annual budget maintained by contributions of the member States. Nearly all the managerial staff is

made up of military personnel from the member States, and the Secretary-General must have at least the rank of a senior officer.

I should like to point out here that the Secretary-General of ANAD cannot take political initiatives. His essential duties are: providing a skeleton staff on duty, secretarial functions and management.

ANAD is 12 years old. For an international institution, 12 years is not much. Yet 12 years is enough to show that it is viable and dynamic.

While the material means available to ANAD are a reflection of the means of the member States, one can assert that they do enable it to function. In any event, our juridical arsenal, which reflects our political will and our persuasive strength, is considerable, and is concretized in the existence of protocols and conventions. You have now seen what ANAD is.

Objectives and mechanisms of operation of ANAD

Let us now, if you don't mind, take a look at what ANAD has planned to do, or not to do, and how.

Objectives

ANAD is characterized by a twofold objective, as shown by its name, which is precisely entitled:

Agreement on Non-Aggression and

Assistance in Matters of Defence between the States of the West African Economic Community and Togo.

For the member States, therefore, ANAD is a privileged framework of co-operation and concentration in the field of security and defence for the purpose of maintaining peace, which is a *sine qua non* of economic and social development.

Although ANAD is an instrument of co-operation, it is none the less true that the sovereignty of each member State is rigorously respected. From this almost sacred principle it flows that political decisions may be taken only at the level of the Conference of Heads of State and Government, by virtue of a unanimous decision, and that no joint action may be implemented on behalf of a member State unless it is at the request of such State, or on the basis that it has previously given its agreement.

Principle of non-aggression

Non-aggression is non-war; the principle, then, is a declaration of peace that entails a certain number of obligations which the member States must respect within the framework of prevention of conflict and establishment of mutual trust.

First, promises to refrain

The member States agree to refrain from committing any warlike act that might give rise to conflict among them or with a third country.

The member States agree to refrain from recourse to the use of weapons to settle their differences.

These solemn declarations are stated in the Framework Agreement, our fundamental juridical instrument.

Second, promises to act

These have the same objective: to maintain peace through good neighbourly relations among member States, reflected in:

- The peaceful settlement of disputes, the procedures for which are:
  - Dialogue
  - Mediation
  - Conciliation
  - Arbitration
- Respect for the principle of inviolability of the frontiers inherited from colonial times;
- The creation and maintenance of friendly relations of understanding, especially in frontier regions;
- The exchange of police and security information with a view to preserving the tranquillity of the populations; and
- The duty to offer one's good offices with a view to the peaceful settlement of a dispute.

There, in the above, you have what should or should not be done in our relations with a view to respecting the principle of non-aggression.

Principle of assistance in matters of defence

Assistance in matters of defence is a fundamental, dynamic function. The member States agree to render each other mutual aid and assistance, within the framework of joint action, for their defence against any aggression. For the definition of the word "aggression", ANAD refers to United Nations resolution 3314, adopted by the General Assembly in 1974.

There are three major sectors of co-operation and assistance:

- the military sphere
- the economic sphere
- civil protection

It should be stressed that ANAD has no permanent arms under its command. The military means required for the various joint actions are constituted as needed, through the participation of the member States.

Our basic texts cover a large number of cases of possible intervention, concerning any of the following:

- military forces
- logistic support
- co-operation in matters of military transport, by land, air and sea
- maritime and river police and surveillance
- control of poaching and of plundering of flora
- prevention and control of pollution in marine and river environments
- search and salvage operations

As you can see, provision is made for all foreseeable defence measures to ensure the accomplishment of our possible missions in the future.

This is, in itself, unquestionably a highly significant indicator of our political will: we have established regulations on the conditions of engagement in our possible future actions in the event of an armed conflict among member States, in the event of other aggression or in the defence of our populations and our economy.

Concrete case No. 1

As we have just seen, the member States of ANAD have committed themselves not to resort to force to settle their differences. Yet we know that life together is never free of friction – the household scenes which we witness daily are a perfect illustration of this.

Thus, in spite of its declaration of peace and, in spite of its proud juridical instruments, ANAD has unfortunately not escaped that incurable disease of States and peoples: armed conflict. As preventive measures proved unable to prevent the outbreak of the disease, it was necessary to turn to the therapeutic phase, in accordance with the prescriptions contained in our texts.

The concrete case of conflict which I should like to cite, as you will have guessed, is that between Burkina Faso and Mali. For the resolution of this conflict it was necessary to have recourse to our protocols, sometimes respecting the letter, sometimes the spirit. The results which were achieved on an urgent basis were:

- a cease-fire
- the withdrawal of the troops
- the resumption of negotiations with a view to the peaceful settlement of the dispute

Here I am compelled to mention the consultations involving His Excellency, Mr. Julius Nyerere, first President of the United Republic of Tanzania. He has called attention, not without relevance, to mediation procedures which sometimes, perhaps even often, involve subtle recourse, in a flexible way, to "official" and "unofficial" methods of attaining the desired results.

ANAD has not escaped this practice, and a following timetable of events will give you a better idea of the different phases and the politics of our intervention.

Chronology of events

1) From 16 to 24 December 1985

Diplomatic shuttles between the different ANAD capitals.

2) Night of 24 to 25 December 1985

Unleashing of an armed conflict between two member States of ANAD.

3) From 29 to 30 December 1985

Meeting of the first Special Session of the Council of Ministers of ANAD.

4) Night of 29 to 30 December 1985

Signing of the cease-fire by the heads of State of the two countries concerned.

5) 30 December 1985

Delivery of the ANAD communiqué to the press, announcing that the two Governments had agreed:

- to order an immediate cease-fire
- to give their agreement for the sending, by Tuesday, 31 December 1985, at 9 o'clock a.m. at the latest, of a Commission of Observers, made up of two officers from each of the ANAD member States and Benin, to observe the effectiveness of the cease-fire
- to proceed as quickly as possible to release their prisoners, under the auspices of ANAD

Regarding the withdrawal of the troops, the Governments gave their agreement to the constitution, by the Conference of Heads of State and Government, of a ministerial commission assisted by the chiefs of staff of the armies of the two member States and the Secretary-General of ANAD, for the purposes of:

- agreeing on the terms of troop withdrawal
- delimiting the zone to be demilitarized
- supervising the effective application of the measures decided upon

6) Morning of 31 December 1985

Deployment of the ANAD Commission of Observers to the field in order to ensure compliance with the cease-fire and to bring about the application of the measures for the restoration of peace in the border region.

7) 9 January 1986

Exchange of prisoners, at Bamako, in the presence of the International Committee of the Red Cross.

8) From 10 to 18 January 1986

Negotiations for the release of civilians held and equipment seized during the period of hostilities.

9) 17 and 18 January 1986

Convening of the first Special Conference of Heads of State and Government at Yamoussoukro.

10) 18 January 1986

Communiqué of the Conference of Heads of State and Government whereby the Conference expresses its satisfaction regarding the measures adopted with a view to:

- effective compliance with the cease-fire
- the release of prisoners
- the withdrawal of the armed forces on either side of the disputed zone
- effective reconciliation between the two brother countries

The Conference of Heads of State and Government decides further to grant a mandate to the Commission of Observers, already established, to oversee the effective withdrawal of troops.

11) 1 February 1986

The Commission of Observers withdraws, after having accomplished its mission.

12) 22 December 1986

The International Court of Justice at the Hague renders its decision on the border dispute between the two member States of ANAD, which had, by mutual consent, brought this matter before the Court.

Case "Plus one"

This case pertains to the present dispute between Mauritania and Senegal, which arose, as you know, in April 1989, and has not been resolved to date, despite the mediation of international organizations and, on a personal basis, of heads of State.

It is still too early to mention the results of the measures taken, which are still continuing.

Whatever the cause may be, this conflict, alas, reminds us of the precariousness and fragility of peace. This reality summons men of good will as well as subregional, continental and world organizations having peaceful and humanitarian aims to work unceasingly for the establishment and preservation of good neighbourly relations among States and peoples.

We must add that the tensions that, due to various causes, continually arise among countries having common frontiers between them fully justify the initiatives of the United Nations aimed at promoting trust and security, of which this workshop is a brilliant illustration.

The conflicts, whether armed or not, that continue to break out here and there justify the existence of subregional organizations, such as ANAD, and require the concerted contribution of all States to the maintenance of peace, in order to promote the economic and social development that our continent so badly needs. In addition, such conflicts acutely present the question of the ability of subregional and continental organizations to settle disputes arising between States.

*
* *

In conclusion, allow me to paraphrase Saint-Exupéry and say that:

In order for Africans to live in peace, they must be given something to build together. There is a great deal of building to be done in Africa: peace is feasible and we are all builders.

The Cost of Armaments: Trends in Military Expenditures, Active-Duty Military Personnel, Imports of Military Equipment, and the Military Share of Government Expenditures, Africa, 1970-1985

Robert L. West

Introduction

The purpose of this paper is to present some estimates of the cost to African societies of the provision made for national defence by Governments of the region in the period 1970 through 1985. The objective is to identify broad trends in the cost of national security efforts in Africa over the past two decades, and to illustrate the wide variation in these trends – and in the resultant burden of national defence – among different groups of African countries.

The concept of cost adopted here is the familiar one of the value of the real resources utilized for military purposes. The primary measurement of the value of these resources, as presented in this paper, is provided by the military expenditure recorded in the public finance accounts for the central Governments of the region.[1] To help assess the economic burden represented by the resources devoted to national defence, we will adopt the widely-used convention of comparing military expenditure to major economic aggregates: military expenditure as a percentage of gross national product and the proportion of total central government expenditure devoted to defence.[2]

The use of Government spending magnitudes to measure the resources devoted to national defence identifies the central government budget as the context in which decisions are made to allocate scarce resources among competing military and civilian objectives. It invites

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attention to the planning and budgetary decision-making processes of the African Governments through which priorities are established and the allocation of real resources to provide for military security is effected. But it measures only the static, immediate, direct resource allocative effect of military spending decisions; it provides no indication of the secondary and indirect effects – such as the impact on economic growth, foreign exchange reserves or accumulation of debt. The fiscal data, however, do provide a base-point for the estimation of such effects. To trace the secondary and indirect consequences of the decisions allocating budgetary resources to national defence, we can employ familiar methods of fiscal policy and macroeconomic analysis to identify the dynamic and indirect effects on the performance of national economies, on the productive base of African societies, and on human welfare.

It is generally recognized that some dimensions of direct resource uses attributable to national defence efforts are inadequately represented by expenditures data. The importation of weapons and matériel is one such important dimension; the value of deliveries of arms and military supplies from abroad is not accurately recorded in the recipient country's government finance accounts. We will complement the military expenditure information presented in this paper with a data series recording arms imports. A second salient example is the dimension of military personnel; force ratios and force levels are widely used as measures of military effort but variations, across countries and through time, may be disguised by financial data. A second complement to the military expenditure information presented in this paper is data reporting the number of active-duty military personnel.[3]

The presentation of these data for a large number of African countries is possible because of a persistent international collaborative effort over the past two decades to improve the quality and comparability of military expenditure, arms import and force level estimates. Important contributions have been made by international agencies, including the Disarmament Commission of the United Nations and the International Monetary Fund, and non-governmental organizations such as the Stockholm International Peace Research Institute. The most comprehensive reporting of these estimates, in recent years, has been the annual report of the United States Arms Control and Disarmament Agency (ACDA), entitled *World Military*

Expenditures and Arms Transfers. ACDA is the source of the military indicator estimates appearing in this paper, providing coverage of 47 African nations – all the independent African countries other than Egypt, Comoros, Seychelles and Djibouti.

Table 1 (at end of article) presents a summary of military expenditure estimates for all 47 African countries, and for subregional geographic groups, for the period 1970-1985. In most cases, the national estimates are the expenditures of the ministry of defence, adjusted to remove costs of internal security where these are known to be included in the ministry accounts. In a few cases, including, notably, Algeria and the Libyan Arab Jamahiriya, where reported defence ministry spending omits capital expenditures, including arms purchases, the estimate is obtained by adding the value of arms imports to nominal military expenditures, including arms purchases, the estimate is obtained by adding the value of arms imports to nominal military expenditures.[4] The predominant primary source for the estimates is the government financial statistics reporting system of the International Monetary Fund. This is also the chief source of the central government expenditures (CGE) data; CGE is a central Government's total current and capital expenditure plus net lending to public enterprises.

Each country's data for military and total government expenditures and for gross national product are expressed originally in national currency and at current prices. The value data shown in this paper are expressed in constant United States dollars using a common computational procedure, as employed by ACDA. The national currency current price data are "deflated" by means of the country's implicit gross national product (GNP) deflator, expressed in prices of the conversion base year of 1984; this produces estimates in national currency at constant 1984 prices. These data are then converted by the exchange rate for the base year 1984 between the national currency and the United States dollar. This results in the values designated in this report as expressed in "constant 1984 dollars".[5]

Table 2 (at end of article) presents a summary of estimates of the active-duty military personnel for all 47 African countries and for regional sub-groups for the period 1970-1985. These include paramilitary forces, where these resemble regular units in their organization and mission, but do not include reserve forces. These

estimates of the number of personnel under arms are provided by United States Government sources.

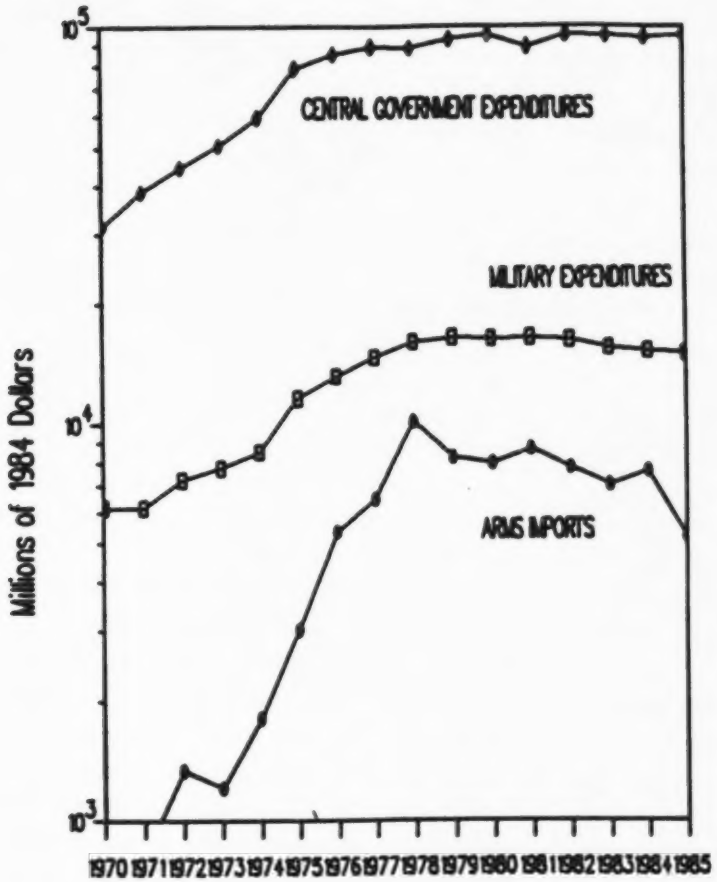
The arms imports estimates shown in this paper are from the ACDA register of the international transfers of conventional military equipment, including weapons, ammunition, support equipment and other commodities designed for military use. The register includes only transfers to Governments. The data represent the value of goods actually delivered during the year, under terms of grants, credit, barter or cash. Care should be taken in interpreting these estimates. Weapons prices do not generally reflect the value of resources utilized in their production. Moreover, for a number of reasons, the acquisition of arms by international transfer may not impose a burden on the recipient's economy equivalent to the estimated United States dollar value of the import.

The trends of military expenditures, all central government expenditures and arms imports for all 47 African countries are shown for the years 1970 to 1985 in Figure 1. Figure 1 and the figures presented below to show military expenditures and arms imports of geographical subregions are semi-logarithm or ratio charts. A constant rate of increase or decrease is represented by a straight line. Because the slope of a curve at any point represents its exponential rate of change, these figures facilitate the comparison of growth rates.

It is evident in Figure 1 that, for all three series, the span of years consists of two distinct episodes—a period of persisting and rapid expansion from 1970 to the end of the decade, and a period of no growth or retrenchment in the first half of the 1980s. This characterization is broadly shared by a wide range of economic indicators, and applies to the economic performance of all African subregions and most countries. For Africa as a whole, the real value of both military spending and arms imports show trends corresponding to economic performance of the region: a pattern of rapid and persisting growth in the 1970s, declining in the first half of the 1980s from a peak level in 1979/1980. We will wish to inspect developments in these two periods separately.

Figure 1.

All Africa military indicators, 1970-1985



Text Table 1 shows the level (in constant 1984 dollars) of military expenditure (MILEX), central government expenditure, and gross national product for all 47 African countries at the beginning and end years of the two episodes. Three ratios are shown at each date. The defence share of central government expenditures (MILEX/CGE) and the military expenditure proportion of GNP (MILEX/GNP), which we designate as the "military burden", are two familiar indicators of defence effort. The ratio of CGE to GNP is presented as an indicator of the size of the public sector.

Text Table 1. All 47 African countries

	1970	1979	1985
Expenditure Levels (1984 dollars)			
Military Expenditure: MILEX	6,138	16,482	14,988
Central Gov't Expenditure: CGE	41,611	102,648	105,506
Gross National Product: GNP	220,786	342,079	353,160
Ratios (Per cent)			
Defence Budget Share: MILEX/CGE	14.7	16.1	14.2
Public Sector Scale: CGE/GNP	18.8	30.0	29.9
Military Burden: MILEX/GNP	2.8	4.8	4.2

From 1970 to 1979 all three expenditures variables showed rapid growth. But CGE and MILEX grew more rapidly than GNP; both the defence share of government budgets and the public sector share of GNP grew in this period—with a resulting rapid growth in the military burden of the African region. From 1979 to 1985, the constant dollar value of MILEX fell while CGE and GNP showed very low rates of change; the defence budget share, the size of the public sector, and the military burden all declined. In 1985, however, the size of the public sector relative to the economy as a whole was much greater than in 1970; although the defence share of the government budget was lower than in 1970, the military burden was higher in 1985.

The real level of military spending in 1985 was more than double that of 1970, chiefly as the result of growth in the regional economy during the 1970s. Virtually all African countries shared in this increase; the real level of military expenditure fell from 1970 to 1985 in only five countries. Over the same 15 years, as may be seen in Table 2,

the number of active-duty military personnel doubled in the African region – the result of relatively steady growth throughout the period.

What also warrants emphasis is the uneven distribution of growth in the real value of resources devoted to national defence. Evidence of the uneven distribution can be seen in Table 1; more than half of all military spending in Africa throughout the period 1970 to 1985, and more than half of the increase in real military expenditure, is attributable to three countries: Libya, Nigeria and South Africa. It may be less evident that there was also great disparity in the distribution of the defence burden among the geographic subregions – a significant widening of the gaps in the cost of defence and in military capabilities in Africa. In most African subregions the military burden in 1985 was about the same as or lower than in 1970, but in North Africa, Southern Africa and the Horn of Africa, the military burden doubled. The sources and dimensions of this disparity will be further explored in the inspection of trends in the subregions of Africa.

Trends in African subregions

The budgetary decision-making process in each African central Government determined the allocation of real resources for national defence purposes. We would expect to find that this process in each country was influenced both by events defining the political-security environment and by economic and financial developments. Some political-security events and some economic developments in the 1970-1985 period were of such region-wide significance that they may have exercised an influence on budgetary decision-making throughout the continent. But the more dominant events defining political-security environments exercised a decisive influence on nations in a more limited neighborhood. Similarly, the most influential economic influences were defined quite differently for nations in different zones of the continent. We will find it useful to inspect the trends in the cost of national defence for nations which were influenced by generally similar political-security environments and economic developments.

We can identify a number of subregions in Africa for which, very broadly, the countries of the subregion appear to have shared a common political-security environment over the past two decades. This would appear to obtain for the five subregions specified in Tables 1 and 2. In this section of the paper we will inspect the trends in the use of

resources for national defence purposes in each of these subregions, and we will identify the political-security and economic context in which those trends emerged. The data employed to define the trends are presented in four figures for the group of countries comprising each subregion, showing the levels of military expenditures and of active-duty military personnel from 1970 to 1985, arms imports in the years 1977 to 1986, and the share of total government expenditures devoted to defence from 1970 to 1985. The indicators of expenditures levels and ratios, as presented in Text Table 1 for all African nations, are also shown in numbered Text Tables for each subregion, for the years 1970, 1979 and 1985.

Unless shown separately, the data for relatively large economies – with GNP and public sector expenditures as large as the combined value for the other nations comprising the subregion – may disguise the trends in the other countries. To avoid this, information for Libya, Nigeria and South Africa is shown separately from that of the other countries in their subregions, and the data for Ethiopia and Somalia – designated as the Horn – are separated from other Eastern African countries. With these neighbourhood giants removed, the five subregions are roughly similar in size in terms of population and (except for the Maghreb) of scale of economic activity as measured by the combined value of their gross national products.

North Africa

The North African subregion consists of four nations: Algeria, Morocco and Tunisia (comprising the Maghreb States), and Libya, for which information is shown separately.

Security influences from both the Middle East and Africa converge in this subregion. Force modernization and re-equipment programmes, entailing very rapid increases in arms imports and defence expenditures in the first half of the 1970s, appear to have been in response to events in the Middle East. Since 1975, Morocco's engagement in the Western Sahara conflict and Libya's involvement in Chad have been the dominant elements in the security environment of the subregion. To a greater degree than other African States, the Libyan Arab Jamahiriya has emphasized the acquisition of sophisticated

weapons and the modernization of its forces as instruments for the pursuit of its policies in Africa and the Middle East.

Economic growth in North Africa, chiefly driven by the oil and gas industries of Libya and Algeria, has been at a much higher rate than that in any of the other subregions of Africa. Throughout the period, growth of the public sector was at even higher rates than that of GNP.

Text Table 2A. North Africa: Maghreb States

	1970	1979	1985
Expenditure Levels (1984 dollars)			
Military Expenditure: MILEX	655	2,213	2,369
Central Gov't Expenditure: CGE	7,717	17,094	30,317
Gross National Product: GNP	32,258	56,636	72,934
Ratios (Per cent)			
Defence Budget Share: MILEX/CGE	8.5	12.9	7.8
Public Sector Scale: CGE/GNP	23.9	30.2	41.6
Military Burden: MILEX/GNP	2.0	3.9	3.2

Text Table 2B. North Africa: Libya

	1970	1979	1985
Military Expenditure: MILEX	292	4,213	4,969
Central Gov't Expenditure: CGE	2,941	11,330	12,420
Gross National Product: GNP	10,475	34,000	27,874

	1970	1979	1985
Ratios (Per cent)			
Defence Budget Share: MILEX/CGE	9.9	37.2	40.0
Public Sector Scale: CGE/GNP	28.1	33.3	44.6
Military Burden: MILEX/GNP	2.8	12.4	17.8

The very rapid increase in the Governments' command over resources and the hostile security environment resulted in very rapid growth of both military spending and arms imports in the 1970s. Numbers of military personnel also grew rapidly in the period of the Western Sahara and Chad conflicts. North Africa was dominant in the extraordinary growth of arms imports in the African region in the 1970s; more than half of all the arms imported in the continent were consigned to North Africa in that period. North Africa also made the most important contribution to the decline of arms imports during the first half of the 1980s; both Libya and the Maghreb States sharply cut back arms imports. Military spending in the 1980s, however, continued to grow, at a relatively low rate.

The scale of the public sector, measured by the proportion of GNP represented by central government expenditures, grew throughout the period 1970-1985 to reach levels in North Africa substantially above those in other parts of Africa. In Libya, the growth of the budget share devoted to defence persisted throughout this period; in the Maghreb States, the budget share rose in the 1970-1979 period, but declined sharply in the 1980s. The overall result has been a very sharp and persistent rise in the military burden in Libya; in the Maghreb, the military burden grew in the 1970s, but then fell in the 1980s to about the level of a decade earlier.

Figure 2A. and 2B.

North Africa

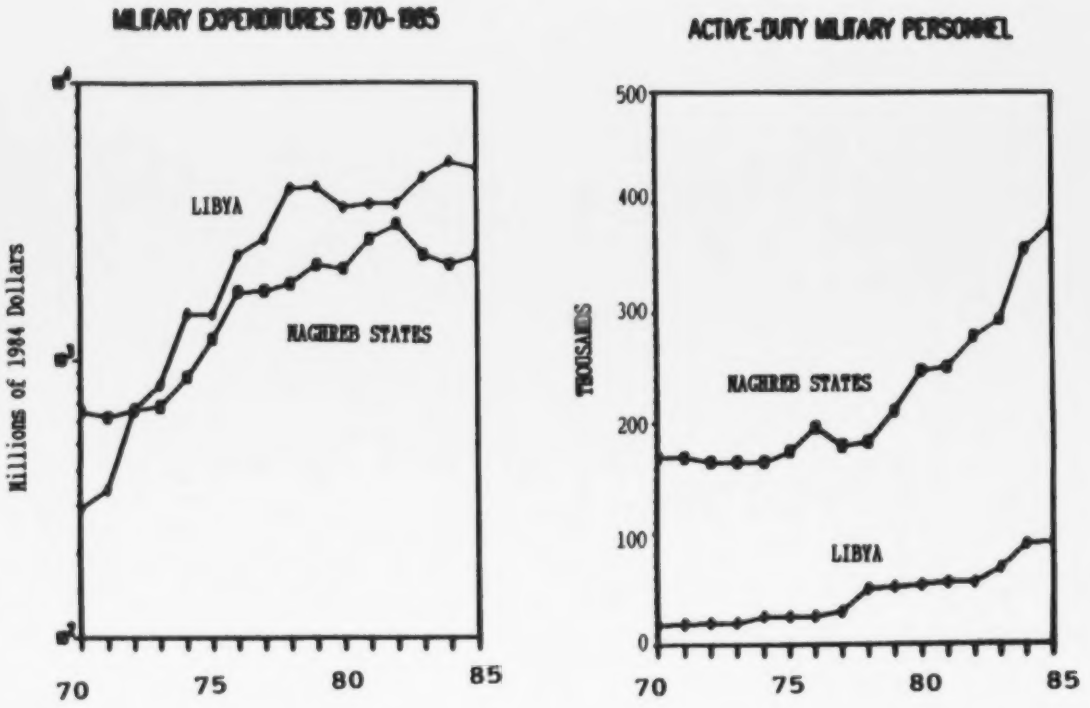
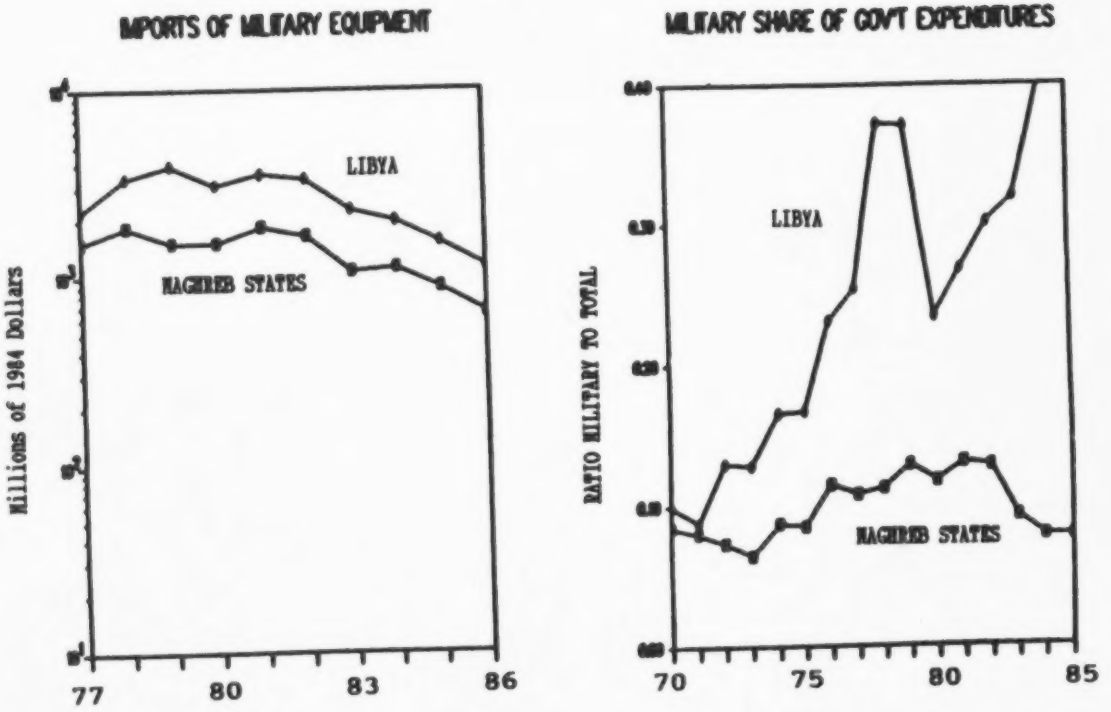


Figure 2C. and 2D.

North Africa



West and Central Africa

The West African subregion consists of 16 member nations of the Economic Community of West African States (ECOWAS): Benin, Burkina Faso, Cape Verde, Gambia, Ghana, Guinea, Guinea-Bissau, Côte d'Ivoire, Liberia, Mali, Mauritania, the Niger, Nigeria, Senegal, Sierra Leone and Togo. Ten nations comprise the Central African subregion: Burundi, Cameroon, Central African Republic, Chad, Congo, Equatorial Guinea, Gabon, Rwanda, Sao Tome and Principe and Zaire.

Nigeria is the giant of the West African area and the most significant military event to occur in West Africa was the Nigerian civil war of 1967-1970. Nigeria emerged from the civil war as a regional military Power, with active-duty armed forces, a stock of equipment, and a scale of military spending far above its pre-war levels or those of other nations in the region. At the same time, it entered into the relatively brief era of its oil-boom. Nigeria cut back arms imports in the early 1970s, but delayed until much later the demobilization and reorganization of its military services. The gradual reductions in military spending and active-duty forces (and revival of arms imports) since the latter years of the 1970s have brought the defence budget share and military burden in Nigeria to about the level of those of other ECOWAS members.

Text Table 3A. West Africa: Nigeria

	1970	1979	1985
Expenditure Levels (1984 dollars)			
Military Expenditure: MILEX	2,360	2,610	1,055
Central Gov't Expenditure: CGE	6,449	29,980	13,290
Gross National Product: GNP	53,685	93,440	76,990
Ratios (Per cent)			
Defence Budget Share: MILEX/CGE	36.6	8.7	7.9
Public Sector Scale: CGE/GNP	12.0	32.1	17.3
Military Burden: MILEX/GNP	4.4	2.8	1.4

Other events affecting the security environment in both West and Central Africa have been at the periphery of those subregions. These include the brief Mauritanian involvement in the Western Sahara conflict and the persistent civil war in Chad, attracting external interventions. This also applies to the secessions and intrusions in southern Zaire in the 1970s. In general, the impact of these events on the political-security environment of West and Central Africa has been weak and local.

Economic growth in West Africa (excluding Nigeria) in the 1970s was the lowest among all the African subregions, and it fell further in the 1980s. In Central Africa, economic growth was somewhat more vigorous in the 1970s (averaging 3.8 per cent annually, as compared to 2.6 per cent for West Africa) and rose further in the 1980s. In both subregions, growth of public spending significantly outpaced economic growth – although West African government expenditures were cut back sharply in the 1980s.

Text Table 3B. West Africa: ECOWAS members (excluding Nigeria)

	1970	1979	1985
Expenditure Levels (1984 dollars)			
Military Expenditure: MILEX	339	535	495
Central Gov't Expenditure: CGE	3,745	7,047	6,499
Gross National Product: GNP	20,529	25,862	26,854
Ratios (Per cent)			
Defence Budget Share: MILEX/CGE	9.1	7.6	7.6
Public Sector Scale: CGE/GNP	18.2	27.2	24.2
Military Burden: MILEX/GNP	1.6	2.1	1.8

Text Table 3C. Central Africa

	1970	1979	1985
Expenditure Levels (1984 dollars)			
Military Expenditure: MILEX	290	367	457
Central Gov't Expenditure: CGE	2,147	3,939	5,659
Gross National Product: GNP	11,897	16,599	21,843
Ratios (Per cent)			
Defence Budget Share: MILEX/CGE	13.5	9.3	8.1
Public Sector Scale: CGE/GNP	18.0	23.7	25.9
Military Burden: MILEX/GNP	2.4	2.2	2.1

The three large military spenders at the beginning of the period in West and Central Africa were Nigeria, Ghana and Zaire. All three reduced their real levels of military expenditure in the subsequent 15 years. Other members of both subregions increased military expenditures at modest rates in the 1970s. Military spending was reduced in West Africa in the period of retrenchment in the 1980s, although it continued to rise at a modest rate in Central Africa. The result, for both the ECOWAS members (other than Nigeria) and the countries of the Central Africa subregion was a decline, over the period 1970 to 1985, in both the defence budget share and the military burden.

Figure 3A. and 3B.

West and Central Africa

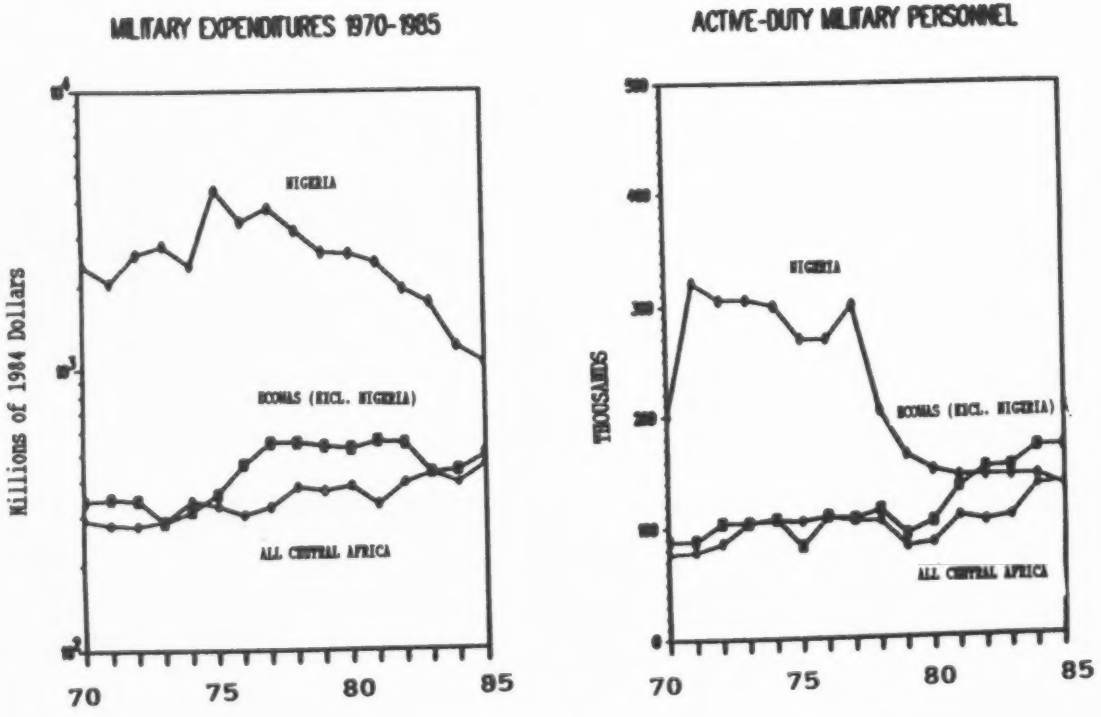
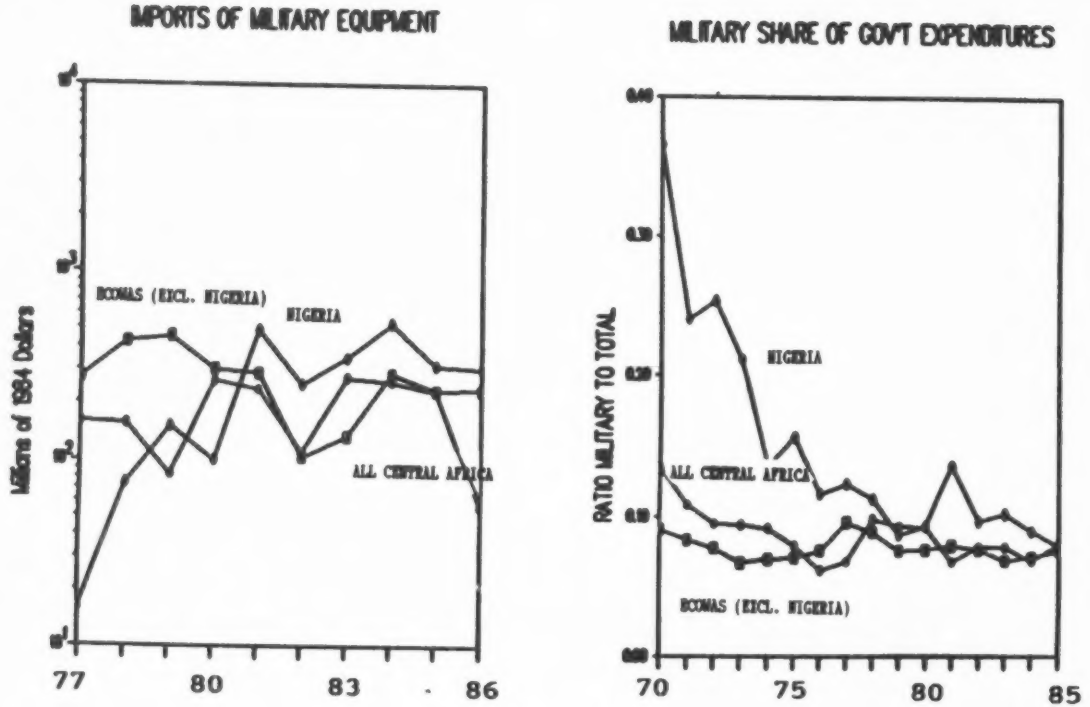


Figure 3C. and 3D.

West and Central Africa



Eastern Africa and Indian Ocean

The nations of the Eastern African and Indian Ocean subregion are Ethiopia, Kenya, Madagascar, Mauritius, Somalia, the Sudan and Uganda. Three other nations which have gained independence during the period under review – Comoros, Seychelles and Djibouti – are omitted for lack of data, but are so small that it is unlikely their omission affects the estimation of subregional trends. Ethiopia and Somalia, the nations designated as the Horn, are shown separately.

Military hostilities in the Horn of Africa have been continuous. The Eritrean rebellion was active at the opening of the period. Conflict escalated following the Ethiopian revolution of 1974 and issued into the Ogaden invasion by Somalia in 1977. Civil war persisted in Ethiopia after the disengagement by Somalia. Elsewhere in Eastern Africa, the Tanzania-Uganda conflict in 1977-1979 and the episodic Sudanese civil war hostilities have influenced the security environment.

At the same time, economic growth in Eastern Africa was below 3 percent in the 1970s – substantially below the population growth rate in most countries of the subregion – and fell further in the first half of the 1980s. In the Horn of Africa, the scale of the public sector rose dramatically in the 1970s, but elsewhere in Eastern Africa the public sector grew modestly; government expenditures declined throughout Eastern Africa in the 1980s.

Text Table 4A. Eastern Africa: The Horn

	1970	1979	1985
Expenditure Levels (1984 dollars)			
Military Expenditure: MILEX	163	565	494
Central Gov't Expenditure: CGE	541	2,143	1,853
Gross National Product: GNP	5,679	7,22	7,881
Ratios (Per cent)			
Defence Budget Share: MILEX/CGE	30.2	26.3	26.7
Public Sector Scale: CGE/GNP	9.5	29.6	23.5
Military Burden: MILEX/GNP	2.9	7.8	6.3

In the Horn, the importation of weapons in the 1970s assumed the aspect of a classical arms race with competitive transfers provided by the United States and the Soviet Union. Consignments to the Horn contributed importantly to the rapid growth of arms imports in Africa until 1978; the trend of arms imports in the Horn has been erratic, but clearly declining, since that time. Numbers of active-duty military personnel rose sharply at the time of the Ogaden invasion and remained on a high plateau in the 1980s.

Military expenditure in the Horn grew at a very high rate in the 1970s, but slowly declined in the 1980s. The military share of the central Government's total expenditures has grown erratically since the Ethiopian revolution, and the military burden, which grew very rapidly in the 1970s, peaked at the end of the decade, and declined modestly in the 1980s.

Text Table 4B. Eastern Africa: (excluding the Horn)

	1970	1979	1985
Expenditure Levels (1984 dollars)			
Military Expenditure: MILEX	403	671	464
Central Gov't Expenditure: CGE	3,105	4,497	4,089
Gross National Product: GNP	16,084	20,747	21,284
Ratios (Per cent)			
Defence Budget Share: MILEX/CGE	13.0	14.9	11.3
Public Sector Scale: CGE/GNP	19.3	21.7	19.2
Military Burden: MILEX/GNP	2.5	3.2	2.2

Military expenditure in Eastern Africa (outside the Horn) grew at about the same rate as total government expenditures in the 1970s (and about 2 per cent per year above the growth rate of GNP), but fell in the 1980s – declining much more rapidly than total public expenditures. The military burden rose very modestly in the 1970s and fell rapidly in the 1980s to a level, in 1985, below that of 1970.

Figure 4A. and 4B.

Eastern Africa and Indian Ocean

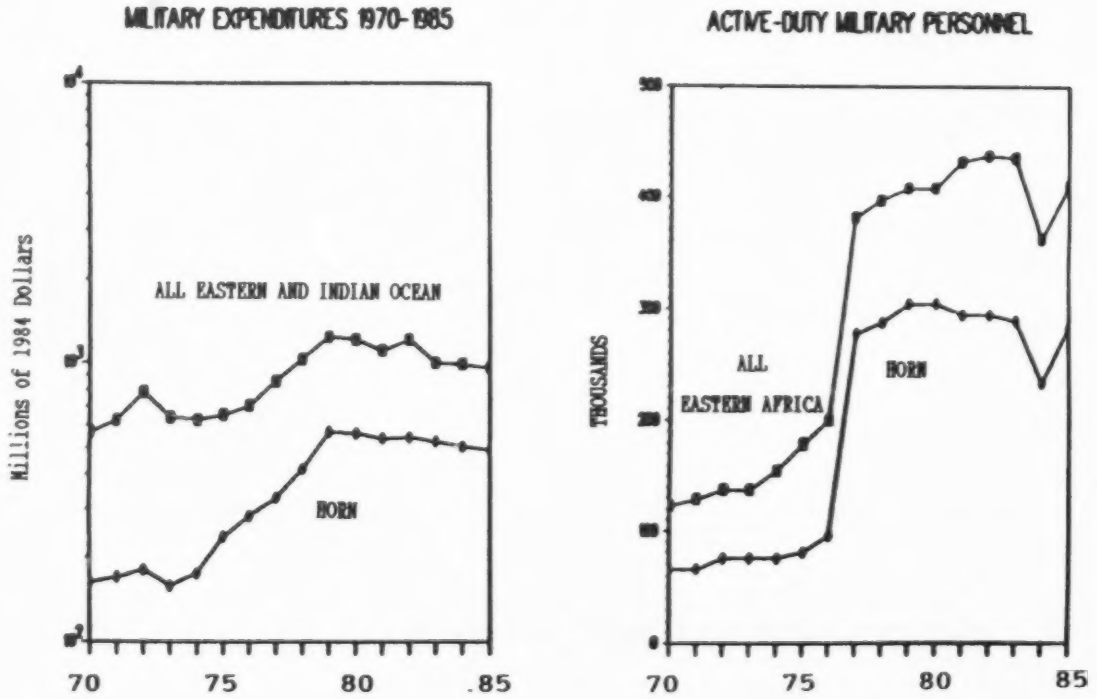
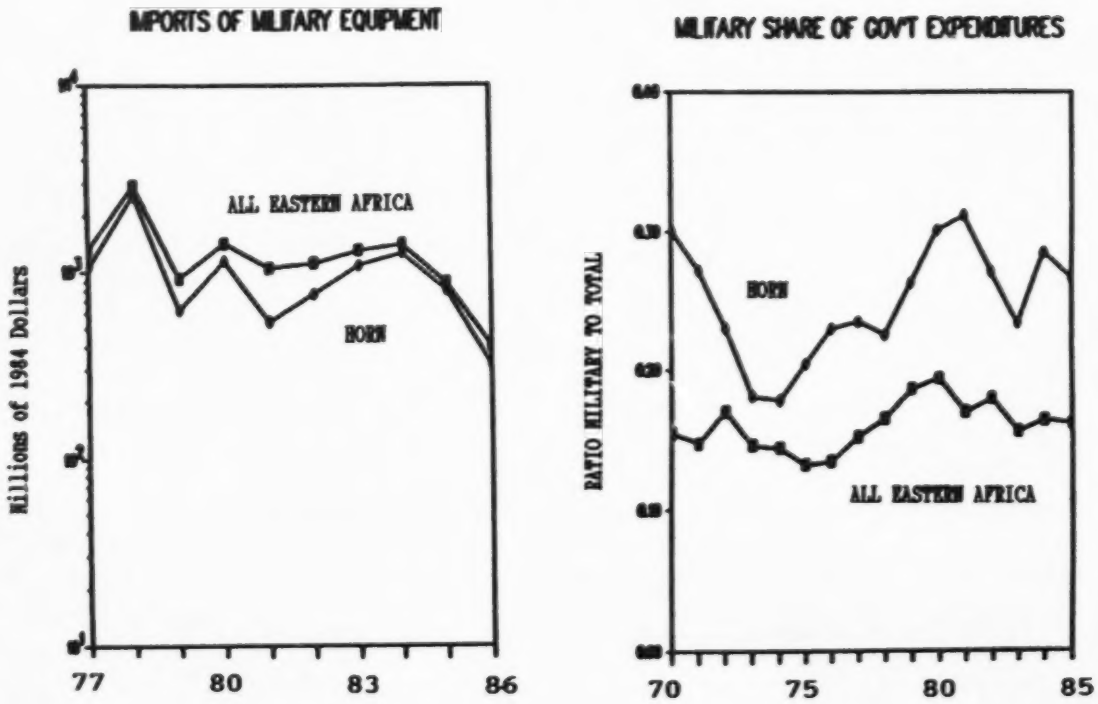


Figure 4C. and 4D.

Eastern Africa and Indian Ocean



Southern Africa

The Southern Africa subregion consists of South Africa and the members of the Southern African Development Coordination Conference (SADCC), which are Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, the United Republic of Tanzania, Zambia and Zimbabwe.

The independence and liberation struggles, largely completed elsewhere in Africa before the period under review, persisted in Southern Africa. The end-game of colonial dominion generated hostilities in the 1970s. The Zimbabwe conflict continued through the decade, until it was finally resolved following the Lancaster House Agreement of 1980. The Portuguese withdrawals of 1974-1977 and their aftermath of civil war and interventions in Angola and Mozambique gradually melded into the conflict between the independent black African States and South Africa. South Africa's programme of destabilization, the aid provided to insurgent movements, and its use of military force across its borders were central aspects of the security environment in Southern Africa in the 1980s.

Outside the areas directly affected by hostilities, the economic growth of SADCC members in the 1970s was relatively vigorous, in comparison with other subregions of Africa. However, the destruction and economic disruption in Angola, which is excluded from the data shown in Text Table 5A, resulted in a fall of production that more than offset the growth recorded by other SADCC members. Economic growth in South Africa in the 1970s was about 3.4 per cent annually. Growth declined to below 2 per cent in both South Africa and among the SADCC members in the 1980s. The public sector grew at a rate of about 6.5 per cent annually in South Africa and the SADCC members in the 1970s, but at a much lower rate in the 1980s.

Figure 5 A. and 5B.

Southern Africa

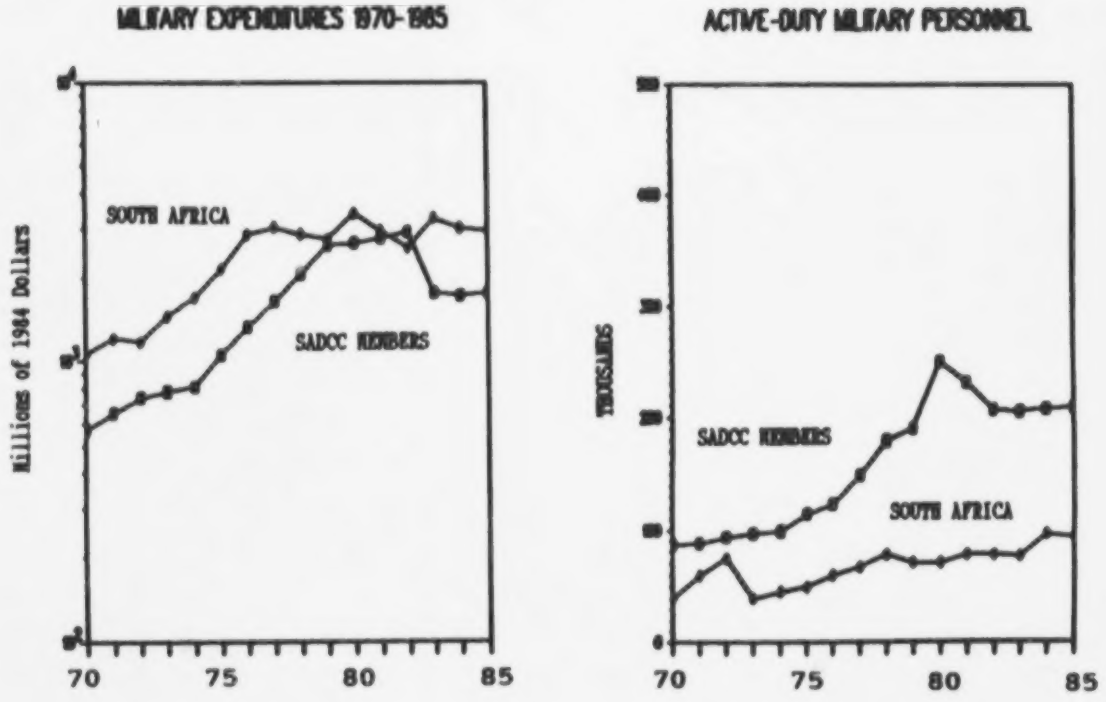
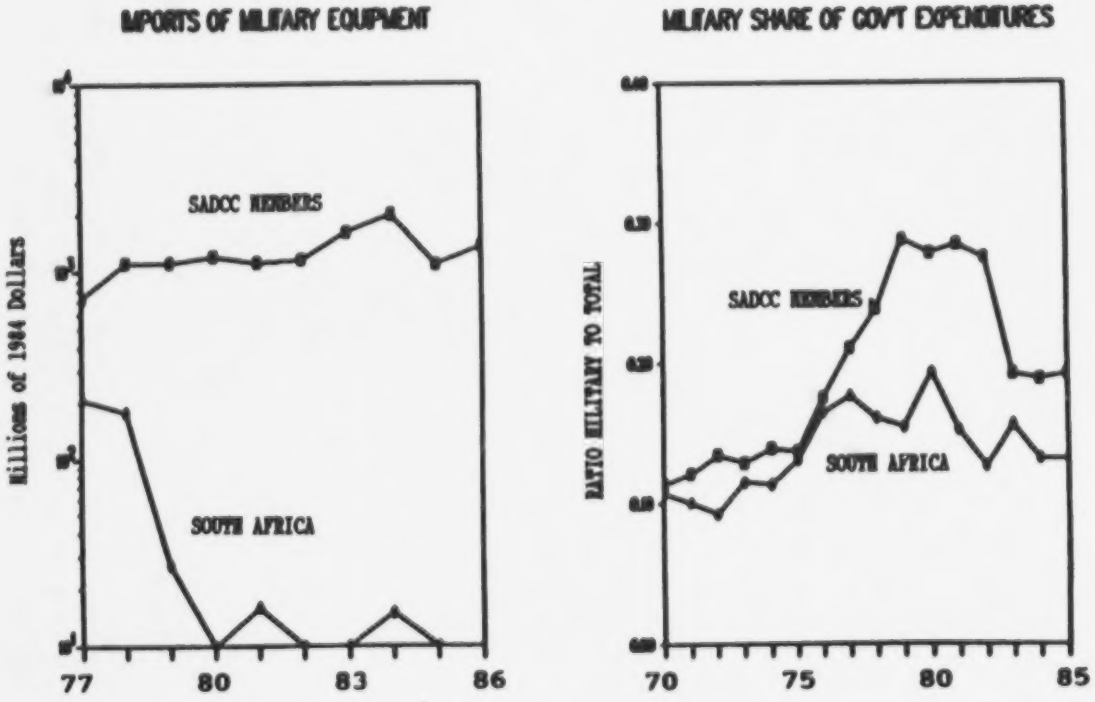


Figure 5C. and 5D.

Southern Africa



Text Table 5A. Southern Africa: SADCC members (excluding Angola)

	1970	1979	1985
Expenditure Levels (1984 dollars)			
Military Expenditure: MILEX	196	1,407	980
Central Gov't Expenditure: CGE	3,174	5,818	6,034
Gross National Product: GNP	12,541	18,057	19,278
Ratios (Per cent)			
Defence Budget Share: MILEX/CGE	6.2	24.2	16.2
Public Sector Scale: CGE/GNP	25.3	32.2	31.3
Military Burden: MILEX/GNP	1.6	7.8	5.1

Text Table 5B. Southern Africa: South Africa

	1970	1979	1985
Expenditure Levels (1984 dollars)			
Military Expenditure: MILEX	1,066	2,726	2,933
Central Gov't Expenditure: CGE	9,941	17,660	22,260
Gross National Product: GNP	45,815	62,070	69,340
Ratios (Per cent)			
Defence Budget Share: MILEX/CGE	10.7	15.4	13.2
Public Sector Scale: CGE/GNP	21.7	28.5	32.1
Military Burden: MILEX/GNP	2.3	4.4	4.2

Defence Ministry expenditures grew rapidly in South Africa in the first half of the 1970s, but were nearly stable from 1975 to 1985. Police units and special forces in Namibia, not included in the budgets and military personnel data shown, significantly expanded in the latter half of the 1970s and in the 1980s. Their omission probably leads to understating the real resources devoted to national defence in South Africa. Similarly, the sharp decline in recorded arms imports by South Africa following the imposition of the compulsory arms embargo in 1977 is partly a reflection of South Africa's successful shift to domestic sources of supply and partly the result of deception and under-reporting.

Military expenditures of SADCC members rose very rapidly in the 1970s. The military share of total central government budgets increased sharply and – as the scale of the public sector was also growing

rapidly – the military burden rose very significantly. The real level of military expenditures fell after 1979. Both the defence share of central government expenditures and the scale of the public sector fell modestly in the 1980s, resulting in a decline of the military burden. At the end of the period – in 1985 – the military burden of SADCC members was far above the level of 1970 and real military expenditure was three to four times greater than that at the beginning of the period.

Some trends in the cost of national defence

We have found divergent patterns of change in the cost of national defence, over the period 1970 to 1985, in the different subregions of Africa. We noted earlier that there was, over this same period, a progressive widening of the gap in the cost of national defence borne by different groups of African countries. Comparison of the different subregional patterns of change can provide some insight into the dynamics of the widening gap and the reasons why the gap continued to widen in the very different circumstances of the 1970s and the 1980s.

If we take the statistical measure of the military burden (the proportion of GNP represented by military expenditure) as our indicator of the cost of national defence, the ratios shown in Text Tables 2A to 5B demonstrate quite clearly the progressive widening of the gap among the subregional groups. In 1970, except in Nigeria, the military burden for the groups of countries in all the subregions was in the range of 2 to 3 per cent. In sub-Saharan Africa, there was a similar clustering of defence budget share in the 10 to 13 per cent range, and of the public sector ratio (CGE/GNP) in the 18 to 22 per cent range. To this rather remarkable pattern of uniformity, the exceptions were Nigeria and Ethiopia, the loci of civil war hostilities.

The decade of the 1970s was one of significant growth in levels of economic activity, the scale of the public sector, and the use of resources for national defence purposes; while there were important differences in the rates of change in different subregions, the phenomenon of growth affected all parts of the continent. By 1979, two distinct patterns can be seen in the military burdens of countries in the various subregions. The ECOWAS members, Central African and the Eastern African countries other than those of the Horn had experienced only modest increase in defence burdens (Nigeria had adjusted its defence establishment to bring its defence burden into conformity with

that of the other ECOWAS members); the defence burden ratio remained in the 2 to 3 per cent range. In North Africa, the Horn, and Southern Africa, the defence burden had increased significantly—to the 4 to 12 per cent range.

In the first half of the 1980s, very generally in Africa, growth was arrested, the public sector contracted, and the defence burden ratios fell; Libya was the single important exception to that trend. By 1985, although the real level of military spending was much greater than in 1970, the military burden had returned to about the 1970 level in West Africa, Central Africa and Eastern Africa other than the Horn. At the same time, the defence burdens were about double the 1970 levels in the Maghreb and South Africa, even higher in Libya, the Horn and for the SADCC members. The gap between subregions in the cost of national defence had widened further since 1979.

To summarize the changes from 1970 to 1985:

- Military expenditure in real terms rose in all subregions;
- The scale of the public sector (CGE/GNP ratio) rose in all subregions except Eastern Africa;
- The defence share of central government budgets rose in Southern Africa and Libya; the share declined in the Maghreb, West and Central Africa and Eastern Africa;
- The military burden rose in North Africa, Southern Africa and the Horn; it fell in West, Central and Eastern Africa other than the Horn;
- Both the defence budget share and the military burden fell in West, Central and Eastern Africa; both share and burden rose in Libya and Southern Africa; the budget share declined while the military burden rose only in the Maghreb and the Horn.

The fact that a fall in the defence budget share together with a rise in the military burden occurred only in the Maghreb and the Horn merits special emphasis. This is the combination which is widely believed to apply quite generally to third world countries. The conventional interpretation is that, in the past two decades, Governments have gained control over an increasingly large portion of their gross products; they have been able to increase their share of public expenditure in the non-military sectors without reducing the share of the economy's total product allocated to the armed forces.[6] The budgetary decision-makers

in Africa, in most cases, have not attained this delicate balance in allocating scarce resources between military and civilian uses.

Table 1. Military expenditure in Africa, 1970-1985 (in millions of 1984 dollars)

	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
ALL AFRICA	6,138	6,148	7,241	7,737	8,488	11,589	13,188	14,710	16,957	16,482
North Africa	947	968	1,329	1,588	2,342	2,676	4,161	4,537	6,863	6,426
Maghreb States	655	624	660	680	868	1,197	1,767	1,783	1,692	2,213
Libya	292	341	669	820	1,476	1,477	2,394	2,754	4,171	4,213
West Africa	2,699	2,610	2,933	3,676	2,677	4,753	3,845	4,315	3,783	3,145
ECOWAS ex Nigeria	339	346	341	286	312	359	459	550	552	535
Nigeria	2,360	2,264	2,592	2,792	2,368	4,394	3,386	3,765	3,151	2,610
Central Africa	290	279	277	287	336	324	382	329	377	367
Eastern Africa and Indian Ocean	566	626	788	637	629	655	704	856	1,834	1,236
Horn	163	160	179	158	175	236	281	329	419	565
Other	403	495	609	479	454	419	423	527	615	671
Southern Africa	1,637	1,865	1,915	2,236	2,505	3,183	4,176	4,682	4,888	5,308
SADCC Members	571	653	739	777	809	1,047	1,333	1,646	2,044	2,582
South Africa	1,066	1,210	1,176	1,459	1,696	2,136	2,843	3,036	2,834	2,726

Source: Based on US Arms Control and Disarmament Agency data. See WMEAT 1987, Table I.
Note: Excludes Egypt. See text for country-composition of geographical groups.

Table 1. (cont'd)

	1980	1981	1982	1983	1984	1985
ALL AFRICA	16,611	16,461	16,239	15,518	15,149	14,988
North Africa	5,678	6,370	6,724	6,952	7,435	5,338
Maghreb States	2,138	2,720	3,071	2,383	2,210	2,369
Libya	3,540	NA	3,653	4,569	5,225	NA
West Africa	3,115	2,978	2,471	2,147	1,651	1,550
ECOWAS ex Nigeria	520	553	545	426	436	495
Nigeria	2,595	2,425	1,926	1,721	1,215	1,055
Central Africa	383	328	392	426	395	457
Eastern Africa and Indian Ocean	1,208	1,107	1,208	1,001	987	958
Horn	561	539	543	530	509	494
Other	647	568	665	471	478	464
Southern Africa	6,027	5,678	5,445	4,995	4,683	4,685
SADCC Members	2,637	2,751	2,915	1,742	1,705	1,752
South Africa	3,390	2,927	2,530	3,251	2,978	NA

Table 2. Active-duty military personnel in Africa, 1970-1985 (in thousands)

	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
ALL AFRICA	882	952	986	973	1,002	1,003	1,092	1,318	1,312	1,367
North Africa	188	189	185	185	190	200	221	210	233	261
Maghreb States	170	170	165	165	165	175	196	180	183	210
Libya	18	19	20	20	25	25	25	30	50	51
West Africa	288	408	408	409	407	353	380	407	319	257
ECOWAS ex Nigeria	88	88	103	104	107	83	110	107	115	93
Nigeria	200	320	305	305	300	270	270	300	204	164
Central Africa	77	78	86	104	106	105	109	105	105	81
Eastern Africa and Indian Ocean	122	129	138	138	155	180	200	382	397	408
Horn	65	65	75	75	75	75	96	278	287	304
Other	57	64	63	63	63	89	104	104	110	104
Southern Africa	127	148	169	137	144	165	182	215	258	260
SADCC Members	87	88	94	97	99	115	123	148	188	190
South Africa	40	60	75	40	45	50	59	67	70	70

Source: Based on US Arms Control and Disarmament Agency data. See WMEAT 1987, Table I.
Note: Excludes Egypt. See text for country-composition of geographical groups.

Table 2 . (cont'd)

	1980	1981	1982	1983	1984	1985
ALL AFRICA	1,366	1,431	1,453	1,483	1,562	1,626
North Africa	300	305	332	361	447	471
Maghreb States	247	250	277	293	357	380
Libya	53	55	55	68	90	91
West Africa	254	278	296	297	315	305
ECOWAS ex Nigeria	104	134	152	153	171	171
Nigeria	150	144	144	144	144	134
Central Africa	85	108	104	108	135	137
Eastern Africa and Indian Ocean	408	432	437	435	361	410
Horn	304	294	294	288	233	293
Other	104	138	143	147	128	117
Southern Africa	319	308	284	282	304	303
SADCC Members	249	230	206	205	207	208
South Africa	70	78	78	77	97	95

Notes

1. Indicators of utilization of resources for military purposes were evaluated nearly a decade ago by the Group of Governmental Experts on the Relationship between Disarmament and Development, appointed by the Secretary-General of the United Nations. Their assessment – that the scale and trend of resources devoted to national security are most efficiently portrayed by military expenditure data – has been influential in the widespread adoption of this measure. However, they also identified important economic dimensions of real resource use which tend to be disguised by exclusive reliance on financial data and they assessed a variety of useful complementary indicators, including the ones reported in this paper. See *The Relationship between Disarmament and Development* (United Nations publication, Sales No.E.82.IX.1), New York, 1982, chapter III.

2. The use of these comparisons and other indicators to assess the burden of resources devoted to military purposes in Africa is evaluated in a research report commissioned by the above-mentioned (note 1) Group of Governmental Experts on the Relationship between Disarmament and Development; the study was conducted by a team at the Nigerian Institute of International Affairs, led by Dr. A. Bolaji Akinyemi, and submitted to the Group of Governmental Experts under the title "Utilization of resources for military purposes in black Africa".

3. For a discussion of the use of force levels and force ratios as indicators of military effort, and how these data can complement the insights provided by expenditures information, see James L. Payne, "Militarism, force ratios, and Marxism", in US Arms Control and Disarmament Agency (ACDA), *World Military Expenditures and Arms Transfers in 1986,* Washington, D.C., Government Printing Office, 1987, pp. 47-55.

4. For the estimates appearing in this paper of military expenditures, arms imports and military personnel, see the definitions and description of methods and sources in the Statistical Notes section of ACDA, *World Military Expenditures and Arms Transfers 1987,* Washington, D.C., Government Printing Office, 1988, pp. 141-147. The data base underlying the estimates appearing in this paper corresponds to the series appearing in the 1987 ACDA report.

5. The GNP deflator is used for military and central government expenditures as well as for gross national product because more appropriate sectoral price indices are not available. A more satisfactory procedure for making comparisons of the burden of military expenditure across countries and through time would avoid the use of exchange rates in the conversion process and substitute conversion ratios expressing the relative purchasing power of currencies. See Robert L. West, "Improved measures of the defence burden in developing countries", in Saadet Deger and Robert L. West, eds., *Defence, Security and Development,* London, Frances Pinter Publishers, 1987, pp. 19-48. The currency conversion procedure described in this paragraph does not apply to the arms import data; the original arms transfer data are

expressed in current year United States dollars. The arms imports estimates in this paper, shown "in constant 1984 dollars", are deflated by the United States implicit GNP deflator. Comparison of arms imports estimates with other categories of data should be made with caution.

6. See, for example, Nicole Ball, "Security expenditure, measurement and trends", in Saadet Deger and Robert L. West, eds., *op. cit.*, p. 54.

The Knowledge of the Law of War as a Confidence-building Measure and Peace-promoting Factor

Jean-Jacques Gacond

Introduction

Law of war? It's certainly a joke!

This straightforward answer shows the immediate paradox surrounding the branch of international public law called the "law of war" or the "law of armed conflict", and the fact that the States, almost universally, have agreed to limit the cruelty of war and the suffering, death and destruction which it causes could surprise more than one.

But what is the purpose of mitigating the human suffering caused by war? Is this superb goal not entirely at variance with the very essence of war itself?

The law of armed conflict does not purport by any means to turn war into a fashionable and basically humane activity; far more modestly, it aims to restrain belligerent parties from wanton cruelty and ruthlessness, and to provide essential protection to those most directly affected by war.

Its scope is:

a. To protect the non-combatants and assure that combatants *hors de combat* are treated humanely (Geneva Law); and

b. To limit or prohibit certain methods and means of warfare in order to avoid indiscriminate violence and unnecessary suffering (Hague Law).

Until the adoption in 1864 of the first Geneva Convention, war was exclusively governed by customary rules or specific bilateral or multilateral agreements.

Today, these rules have been completed and conventionally accepted. They constitute the branch of international public law applicable in armed conflicts, and have evolved as follows:

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1863	Creation of the International Committee of the Red Cross
1864	First Geneva Convention (wounded and sick on the battlefield)
1868	St. Petersburg declaration (prohibition of the use of expanding bullets)
1889/1907	First and Second Hague Conferences
1925	Protocol to prohibit use of chemical weapons
1929	Geneva Convention to protect prisoners of war
1949	Geneva Conventions on **First:** wounded and sick on land **Second:** wounded, sick and shipwrecked at sea **Third:** treatment of prisoners of war **Fourth:** protection of civilians
1954	Convention to protect cultural objects
1972	Convention on the prohibition of bacteriological (biological) and toxin weapons
1977	Additional protocols to the Geneva Conventions of 1949 on **First:** international conflicts **Second:** non-international conflicts
1980	Convention on prohibitions or restrictions on the use of certain conventional weapons

Law of war is a very complex subject and can be approached from different points of view. Today, in order to satisfy the divergent needs of diplomats, general staff officers and commanders in the field, we have selected an approach based on different levels of responsibility:

- Strategic
- Operational or tactical
- Individual

The questions of sanctions, the role of the International Committee of the Red Cross (ICRC), and the law of war as a confidence-building measure are also discussed.

Strategic level

The law of war is applicable between States which are parties to the Conventions and other instruments listed, and at present 166

States are bound by the four Geneva Conventions of 1949, whereas 94 and 84 States respectively have ratified and adhere to the first and second additional Protocols of 1977. Even if the subjects of international public law are States, a peculiarity of the law of war is that there are two texts which also cover non-international conflicts: article 3 of each of the four Geneva Conventions of 1949 and the second Additional Protocol of 1977. These two legal instruments do not question State sovereignty or national legislations, but they take into account specific categories of persons and objects to which the Geneva Conventions assure protection: medical services, non-combatants and persons *hors de combat*.

Let us now see what measures are to be taken before, during and after a conflict in order to comply with the rules of the law of war.

A. Preparatory measures

In warfare, States and belligerent parties undertake to respect the law of war and ensure respect for it in all circumstances, and, even if its application starts at the first act of hostilities or unresisted occupation, measures of a preparatory character are already applicable in peacetime. Preparatory executive and administrative measures aim in particular at:

- making the law of war known to the armed forces and the civilian population
- ensuring the effectivensss of organizational and executive procedures

For this, the necessary national legislation to implement the measures shall be enacted to ensure the application of the treaties and to foresee penal or disciplinary sanctions for breaches. Legal advisers shall be available to advise military commanders at the appropriate levels of their responsibilities for integrating law of war considerations into the planning and execution of their military operations.

Within each State, a national information bureau shall be prepared for the receipt and transmittal of information relating to prisoners of war and foreign civilians in the State's power, and for the recording of particulars of burials and graves. Collaboration with the Central Tracing Agency at the International Committee of the Red Cross is recommended for this purpose.

Criteria and competence shall be established for the designation and marking, with distinctive signs, of specifically protected persons and objects (hospitals, ambulances, doctors).

Personal identification documents shall be prepared for special categories of persons (medical personnel, journalists) or persons likely to become prisoners of war.

B. Measures during an armed conflict

Executive and administrative measures to be taken during armed conflicts aim at:

- checking and adequately developing the measures already taken in peacetime
- taking the additional measures necessary to ensure detailed execution of the law of war

Whenever suitable, special agreements shall be concluded between the belligerent parties or with neutral States, at the appropriate level, for instance:

- to keep given areas, such as hospital zones or demilitarized zones, at an appropriate distance from military operations
- for suspension or interruption of hostilities in a given area for searches for wounded, evacuation of civilians or casualties, or establishment of a neutralized zone
- for medical transportation, particularly by air
- for repatriation of seriously wounded and seriously sick prisoners of war or internment in a neutral country of prisoners of war
- for marking non-defended localities or demilitarized zones with distinctive signs

C. Measures after an armed conflict

Restoring normal conditions for the civilian population as soon as the armed conflict has ended is a strategic aim, and wherever appropriate the armed forces shall co-operate with the concerned authorities for the removal of mines, provision of transport, or organization of relief operations.

Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities and, in the absence of stipulations between the belligerent parties, the detaining power shall itself establish a plan of repatriation and execute it without delay.

The internment of civilian persons shall cease as soon as possible after the end of hostilities, and each belligerent party shall search for the persons who have been reported as missing.

Gravesites of deceased persons, wherever located, shall be respected and maintained.

Operational and tactical levels

The law of war is easy to understand. Its scope is to restrict the calamity of armed conflict to the lowest limits of military necessity. It permits the combatants to use force only against military objectives and with the constraint that the use of means and methods are not disproportionate with regard to the military advantage expected. On the other hand, non-combatants must not participate in the hostilities and must be spared. Therefore it is necessary to establish a distinction between military objectives and civilian objects and between combatants and non-combatants.

A combatant is a member of the armed forces, exclusive of medical or religious personnel. A combatant must distinguish himself (or herself) from the civilian population by wearing a uniform or a distinctive sign, or carry his arms openly at least during every military engagement or as long as he is visible to the enemy while he is engaged in a military deployment.

Combatants who cannot participate in the hostilities any longer by reason of being wounded or captured must be spared, respected and protected.

Military objectives are enemy armed forces as well as military establishments or other objects which, by their nature, location, purpose or use, contribute to the military effort, or whose destruction, capture or neutralization offer a definite military advantage.

The law of war also defines special categories of persons and objects benefitting of a special protection:

- medical or religious services
- civil defence
- cultural objects
- installations containing dangerous forces (dams, dykes, etc.)

Conduct of military operations

To accomplish his mission, every commander must obtain the elements necessary to enable him to make a decision. The consequent search for information is necessary to:

- localize the enemy
- evaluate the environment
- distinguish civilians
- determine the presence of protected persons and objects

The commander must in making his decision, choose the solution causing the least danger for the civilian population which is compatible with the fulfilment of his mission.

Means and methods of warfare must be selected in order to avoid unnecessary suffering and damage as well as any form of violence which is not indispensable to overpower the enemy.

Prohibited methods include:

- starvation as a method of warfare against civilians
- attack, destruction, removal or the act of rendering useless objects
- acts or threats of violence whose primary purpose is to spread terror among the civilian population

Deception techniques, such as camouflage, the use of decoys, simulated operations, and misinformation are allowed. On the other hand, "perfidy" is strictly prohibited. This includes: feigning to surrender or to have a protected status to gain the confidence of the enemy, the misuse of distinctive signs like that of the Red Cross, the white flag of truce or the United Nations uniform.

An attack is prohibited which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilian persons or objects.

The objectives and targets, and the moment and direction of the attack, must be selected from among tactically equivalent alternatives in order to cause the least damage to civilian objects and persons, and defence positions should preferably be located outside populated areas. When the tactical situation permits, effective advance warning shall be given of attacks which may affect the civilian population.

Targets for particular weapons and units of fire shall be determined and assigned with the same precautions as are those for the military objectives.

The responsibility for proper targeting:

a. Depends on the effect that the chosen weapon may have on the place of impact; and
b. Is placed on the commander who has the competence to decide what weapon shall be engaged to fire at a given target.

Commanders must give orders to regulate the behaviour of their subordinates in the vicinity of protected zones, such as demilitarized zones, non-defended localities or medical zones.

Following the combat, as soon as the situation permits, measures should be taken to search for, collect and treat the wounded, sick and shipwrecked without any other distinction than that dictated by medical priorities.

Captured combatants become prisoners of war and are protected by the Third Geneva Convention from the very moment of capture. They will be disarmed, searched, treated humanely, protected and evacuated rapidly.

Retained medical personnel must be repatriated as soon as their activity is no longer necessary for the needs of prisoners of war of the same party to the conflict.

The dead will be identified prior to burial, cremation or burial at sea.

Individual level

The law of war grants a fundamental protection to persons and objects other than combatants and military objectives. Each belligerent party who holds foreign persons and persons whose liberty has been restricted is responsible for the treatment given to such persons by its agents, irrespective of any individual responsibility which may be incurred.

Humane treatment shall be given in all circumstances, and to commit the following acts or threats is prohibited:

- violence to life, health, physical or mental well being
- murder
- torture
- corporal punishment

- mutilation
- humiliating and degrading treatment
- taking of hostages
- collective punishment
- pillage
- destruction without military necessity

For the individual combatant in the field there should be no distinction between an international or a non-international conflict, and respect of the basic rules of humanitarian law is only a question of order and discipline: there are, on the one hand, combatants and military objectives and, on the other, protected persons and objects, namely:

- civilians
- wounded
- captured enemies
- medical personnel

Since there is little time in the field for analysis and decision-making, especially at the individual level, the basic rules of the law of armed conflict related to individual behaviour should be integrated into basic training in order to generate a correct automatic response, even in unclear situations.

Moreover, this is to comply with the responsibility of commanders, who are to ensure that:

- their subordinates are aware of their obligations under the law of war, and
- the necessary measures are taken to prevent violations, and in case of breach, they must:
  a. take necessary steps to eliminate the breach, and
  b. initiate disciplinary or penal action

Sanctions

The States parties to the Geneva Conventions have the obligation to repress all violations and, especially, grave breaches of the law of war, which are considered as war crimes and these include, among others:

a. Wilful killing, torture or inhumane treatment;
b. Causing great suffering or serious injury to body or health;
c. Inhumane and degrading practices involving outrages upon personal dignity;
d. Taking of hostages;

e. Unlawful confinement;
f. Unlawful deportation or transfer of all or parts of the population of occupied territory within or outside that territory;
g. Transfer by the occupying Power of parts of its own civilian population into the territory it occupies;
h. Depriving persons of the rights of fair and regular trial;
i. Unjustifiable delay in the repatriation of prisoners of war or civilian persons; and
j. Compelling persons to serve in the forces of an enemy party.

The following acts constitute grave breaches when not justified by military necessity and when carried out unlawfully and wantonly:

a. Extensive destruction of property; and
b. Extensive appropriation of property.

The following attacks constitute grave breaches:

a. Attack on a person known as being *hors de combat*;
b. Attack on the civilian population or individual civilian persons;
c. Indiscriminate attack, affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive casualties and damage;
d. Unlawful attack on clearly-recognized cultural objects;
e. Attack of non-defended localities and demilitarized zones; and
f. Attack on works or installations containing dangerous forces in the knowledge that such attack will cause excessive damage.

The perfidious use of the following signs and signals constitutes a grave breach:

a. Distinctive signs marking specifically protected persons and objects;
b. Other protected signs recognized by the law of war; and
c. Distinctive signals used for identification of medical services and civil defence.

Other breaches shall be repressed by disciplinary or penal sanction.

The role of the International Committee of the Red Cross

Armed conflicts, generally, interrupt the relations which existed in time of peace between the opposing parties, and some of the resulting gaps can be filled through the action of intermediaries.

In the Geneva Conventions and Protocols the concept of "Protecting Power" has been elaborated.

"Protecting Power" means a neutral State which has been designated by a Party to the conflict and accepted by the enemy Party and has accepted the obligation to carry out the functions assigned to it under the law of war, such as:

- visit and control prisoner of war and civilian internment camps
- check, and if necessary take action, in cases of
  a. internment of foreign civilian persons, and of
  b. penal prosecutions of prisoners of war and foreign civilian persons
- verify the supply conditions in occupied territories
- lend its good offices in case of disagreement with regard to the application of the law of war

To complement the role of the Protecting Power, the International Committee of the Red Cross (ICRC) has, under the Geneva Conventions, a right of initiative which enables it to offer to undertake any humanitarian action it considers necessary for the benefit of war victims, in addition to those which are specifically assigned to it. It may exercise this right in international and in non-international conflicts. The latter, until 1949, were considered by States to be purely domestic matters, so that by allowing the ICRC a right of initiative in such conflicts they granted a worthwhile concession.

There is a second right of initiative not laid down in treaties. It has its basis in the ICRC Statutes and the International Red Cross Statutes. It is more tenuous but it is not without some legal foundation, since those Statutes were approved – directly or indirectly – at International Red Cross Conferences in which the States parties to the Geneva Conventions have had their say. It makes it possible for the ICRC to offer its services in situations other than conflict, mainly to propose visits and assistance to political detainees.

Its unique position in the international community and the recognition of its right of initiative compels the ICRC -- particularly since it has retained total structural independenc -- to act purely on the basis of a set of strict, fundamental Red Cross principles. Only in this way can it continue to enjoy the confidence of the international community, which is essential, since most ICRC activities require th approval of Governments. Strict adherence to principles does not, however, mean an inflexible disregard of expediency. The main pillar of ICRC action is the principle of humanity which enjoins it first and foremost to do everything possible to relieve and assist victims.

Law of war as confidence-building measure

The law of war and its application are only one of the many parameters of conflict, which include political, economic, diplomatic, social, psychological or even racial factors, but the importance of a knowledge of it and of its application must not be underestimated.

The law of war and the Red Cross do not pretend to determine the reasons behind a conflict or to provide a solution to it, but they restrict the horrors and the consequences of destruction and suffering.

The application of fundamental rules to protect humankind in time of warfare by the parties to the conflict give better chances for negotiation and mediation for the settlement of a dispute even if such a process might be only a necessary, but not always a sufficient, part of the condition for its settlement.

Deep humanitarian scars might be quite difficult to heal. On the other hand, the respect of essential humanitarian rules by belligerents can bring hope and goodwill in the final stage of a conflict. But to be applied, these rules must be known by everybody, including especially combatants. This means that this subject must be integrated into the basic training of soldiers.

The knowledge that one day a potential adversary knows and will apply the same restrictive rules in warfare is reassuring, and must reinforce confidence among neighbouring countries.

Thus not only should national programmes on this subject be created and developed among armed forces to ensure compliance with the legal obligations of States as contemplated in the Geneva Conventions, but also courses, seminars and workshops should be

organized at the international level in order to promote common knowledge and experience.

Mutual understanding and collaboration on this subject between the legal services and training branches of armed forces could certainly be regarded as a major contribution to the promotion of confidence among States.

Before war can be totally eradicated from the surface of the Earth, less cruel and less inhumane conflicts of all kinds should be an intermediary step, one in which the faithful application of the law of war and the work of the Red Cross are of the utmost importance towards greater stability and peace.

The Role of the Media in the Reinforcement of Confidence among African States: The experience of the Pan African News Agency (PANA)

Victor Olufemi Adefela

One of the fundamental and most frequent causes of poor relations, conflicts and crises between individuals or States is the lack or breakdown of communication between them. This may take the form of ignorance, misunderstanding, misinformation or disinformation. With regard to relations between States, the mass communication media can play a major role in the creation or resolution of such situations. For example, the problem between Senegal and Mauritania would not have assumed the proportions it did if certain sections of the media in both countries and abroad had not inflamed passions with their presentations and interpretations of the events during the early days of the conflict.

There have also been innumerable instances in which the media have contributed to the resolution of conflicts, prevention of crises and building of confidence among nations through the publication or withholding of information, both in times of crises and of relative normalcy. One can say, therefore, that the media are a double-edged sword. On the one hand, they can be used to foment conflicts, create crises and damage relations among States; on the other, they are capable of contributing to the resolution of conflicts, prevention of crises and promotion of understanding and confidence among them.

The role of the media relates not only to conflicts and crises, but also to the entire process of social, economic, political and cultural development of any society and to its very survival. Just as knowledge is the very foundation of any civilization, communication is the foundation of any society. For, without communication, there can be no community. Without communication, there can be no understanding, no consensus and no agreement – all of which are necessary for the establishment of

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the peaceful and stable environment which any society requires to justify its existence. In the case of Africa, such understanding, consensus and agreement are absolutely essential to the solution of the myriad problems our countries face and to the achievement of their multifarious aspirations.

In the advanced Western countries, the roles of the media are generally understood to be to inform, to educate and to entertain. But for the developing countries, and African States in particular, a fourth role must be added: to motivate. It is through motivation that the media can most effectively perform the role of a catalyst in the development process. Thus, the media can play a crucial role in promoting confidence among African States through the processes of information, education and motivation.

Knowledge or information reduces ignorance which is often the source of prejudices and misunderstandings which, in turn, give birth to conflicts and crises. One chronic disease which African States suffer from today and which people tend to overlook is ignorance of each other. They are aware of each other's existence and heads of State and senior officials meet at workshops and conferences, but how much do the vast majority of the people of one country know about their neighbours? Not much. This situation is largely because the imperial Powers in the nineteenth century carved up Africa into colonial territories which were run as separate entities and were forced to identify more with the metropolitan Power in Europe than with their next door neighbours in Africa. The communication links were and, to a large extent still are, directly with Europe and not with other African countries, and the result of this is still reflected in the African media.

Confidence between individuals or States can only be built upon knowledge of each other; if that knowledge is lacking, the vacuum ought to be filled.

The first aspect of the role of the media in building confidence among African States is, therefore, for the newspapers, magazines, radio and television in each country to inform their public about their neighbours and other African countries, especially by publishing news about important social, economic and political developments in those countries on a day-to-day basis. This is being done, to some extent, by a small section of the media in Africa, but generally the performance is highly unsatisfactory.

In the columns of African newspapers and in radio and television newscasts, one tends to see or hear much more about events in Europe and America than those that occur in Africa. National news takes first place, understandably; international news comes second and Africa comes last. This is a situation which calls for urgent action. It calls for a change in mentality on the part of African policy makers and media operators; it demands a firm policy decision in favour of news on Africa on the part of the proprietors, be they Governments or private individuals and organizations.

For such information to contribute to the building of confidence among African States, it has to be accurate, balanced and comprehensive; it has to be presented and interpreted in a manner that will engender understanding, sympathy and respect for the countries concerned. This is because inaccurate, unbalanced and incomplete reports invariably result in misinformation which leads to misunderstanding and conflict. In the same manner, reporting on sensitive situations without a sense of responsibility always aggravates them and undermines confidence between countries.

Another way in which the media promote confidence among African countries is by focusing attention on the problems which they have in common and on the efforts to find solutions to them. The fact that the countries concerned realize that their social, economic and political problems are alike and are able to learn from one another's experiences or to co-operate in tackling them gives them a sense of having common interests and draws them together. As they say, birds of a feather flock together.

The need for African countries to co-operate is obvious, but the political will is weak on the part of most States. In recent years, however, there has been an increasing interest in co-operation, as evidenced by the creation of economic groupings, such as: the Preferential Trade Area, the Southern African Development Co-ordination Conference, the Economic Community of Central African States, the Economic Community of West African States, and the Maghreb Arab Union. The role of the media has been to stimulate interest in and galvanize action towards making these groupings operational and effective by analyzing their objectives, interpreting the implications of the various steps taken towards their realization and

repeatedly focusing attention on the benefits which all members will derive from them.

The African media is doing well in this regard. The Pan African News Agency, for example, from time to time transmits in-depth reports and features on these economic groupings, their meetings, and on their decisions and the steps being taken to impiement them. These articles have been widely published by newspapers and magazines in different parts of the continent. In addition, the media in some countries give full support to these co-operative undertakings and spare no effort to emphasize, through their news and opinion columns, the need for speed and thoroughness in making them achieve the goals for which they were established.

The issues on which African countries have common concerns and interests are many. They include foreign debt, low prices of export commodities, high prices of imported goods, self-sufficiency in food production, the environment, various forms of economic and cultural imperialism, and *apartheid* and racism. These subjects are dealt with with varying degrees of depth and seriousness from time to time by the media in the different countries, usually from the national angle. But by examining them from a wider perspective, underlining the need for and the advantages of common action in dealing with such problems, the media can make a contribution to the building of confidence among countries.

The media can further strengthen confidence among African States by giving constant and serious attention to themes like the promotion of peace and good neighbourliness, human rights and regional integration. The media (as well as Governments) can also help to promote confidence among States by studiously refraining or desisting from: propagating hatred, creating tension, promoting divisions, confusion and conflicts and generally poisoning relations between them.

Similarly, the media should not engage in or be used for campaigns of lies, disinformation and denigration designed to interfere in the international or external affairs of sister African countries. But, unfortunately, at times of misunderstanding or friction between States, there is often a tendency for the media, out of a misplaced sense of patriotism, to indulge in or allow themselves to be used for such counter-productive exercises.

It is important to point out that, when talking about the role of the media in Africa in promoting confidence among States, one should not limit oneself to the local media only. The foreign-based media which are imposed on the African public, or which people voluntarily subscribe to, play an important, even a most important, role in this matter. Each morning, when African decision-makers, intellectuals, senior military and civilian officials, senior journalists and many others wake up, they tune their radios to the BBC, Radio France International, Voice of America or Radio Moscow. They do so not just to listen to news about the rest of the world but, more importantly, to find out what is going on in their own continent. Similarly, they expect to find on their desks in the office the latest editions of the International Herald Tribune, London Times, Le Monde, Newsweek and other foreign publications, which are also their major sources of news on Africa.

In fairness to these foreign radio stations and publications, they obtain the news and deliver it faster and in a more professional manner than most of their African counterparts because they have better facilities. But, unfortunately, they often report events from a point of view which does not take into account the need to reinforce confidence and promote peace among African countries. Their emphasis is on the negative aspects of situations or developments in the continent. And when it concerns situations of friction, conflict or crisis, they seem to concentrate on those aspects that would aggravate the situation and to ignore those that could lead to reconciliation or build confidence between the States concerned.

It is therefore clear that the foreign media must be given special attention in any efforts to make the media contribute to the reinforcement of confidence among African countries. Competent authorities, such as the United Nations, will have to find a way of persuading them to report and interpret events in general and conflict situations in particular with greater understanding and a higher sense of responsibility. They would probably lose interest in Africa if there were no more conflicts and crises, but they need to appreciate that building confidence and resolving crises among African countries also contribute to the general peace and stability of the whole world.

It is pertinent at this juncture to talk about the state of the African media, to examine their ability to build confidence among

States, and to consider how they can be made to perform this role more effectively.

The African media are still in a state of underdevelopment compared to their counterparts in other parts of the world. They are under-financed, under-equipped and understaffed. In most countries there is only one daily newspaper and perhaps a few weeklies, one radio station and perhaps a television station. All the radio and television stations are owned and controlled by Governments, and in most countries the newspapers are also owned and controlled by the Government.

While the media in the developed countries are using computers to process their information, those in Africa are still using manual typewriters. The satellite is the most effective means of transmitting information today, but most African media organizations cannot afford it. While it is possible for individuals in Dakar or Dar es Salaam to install dishes on their roofs and receive television transmissions from the United States, the transmissions from television stations in some African countries cannot be received in the rural areas of the same country.

In the development plans and budgets of all the countries, information is relegated to the lowest level. As a result, the media are ill-equipped to perform the important roles that society ascribes to them, such as reinforcing confidence among African countries.

Another aspect of the problem facing the media in Africa is the political context in which they operate. Being government-owned and controlled, and operating in a one-party State, they are often reduced to mere cheer-leaders or praise-singers obliged to the Government or party line. In this atmosphere of strictly limited freedom, initiative is stultified and the chances of the media engaging in unsanctioned campaigns, even when they are in the public interest, are minimal.

Added to this, and partly arising from it, is the difficulty which the media in Africa have in obtaining information from official sources. Those which belong to the opposition are regarded as enemies of the State by Government officials and those belonging to the State are not taken seriously. Under normal circumstances, information about developments of great national significance should first be given to the local news agency, newspaper, radio or television station—which should be the first to publish such news. But in many cases, African leaders have

preferred to reveal such information to correspondents of the foreign media rather than to their own media organizations.

This kind of situation tends to undermine the credibility of the local media and strengthen the confidence of local elites in foreign media as a reliable source of news about their country and continent.

There is no doubt that the free circulation or at least a regular exchange of news and information among African States can contribute immensely to the promotion of understanding, confidence and unity among them. This was realized as far back as 1963 when, at the inaugural meeting of the Organization of African Unity, the heads of State passed a resolution calling for the establishment of an African news agency. This idea became reality only seven years ago when the Pan African News Agency (PANA) began editorial operations in Dakar, Senegal. Before then, there was no system for the exchange of news among African countries and each of them had to depend on European or American sources for news and information about the others.

Among the objectives of the Pan African News Agency, as stated in the convention setting it up, are:

- To promote the aims and objectives of the Organization of African Unity for the consolidation of the independence, unity and solidarity of Africa; and
- To promote an effective exchange of political, economic, social and cultural information among member States.

These two objectives clearly make PANA an instrument for the reinforcement of confidence among African States and the agency fully accepts this as its mission. In the *Stylebook*, which serves as a guide to its journalists and all African national news agencies, it is stipulated that

> "they should exclude from their news and features material that is malicious, defamatory or offensive to the honour and dignity of member States, their peoples, governments and heads of State. This does not necessarily mean the suppression of the truth, but it calls for a high sense of responsibility and respect for the sensibilities of others in the presentation of facts."

The *Stylebook* further states that

> "PANA is not an instrument to be used by African countries to wage propaganda wars against one another. On the other hand, it is not meant to be a medium for the publication of only consensus news or a conduit for

official press releases. Rather, it must allow for the expression of different points of view in a climate of mutual respect."

These are the cardinal principles by which PANA journalists operate.

When the agency began editorial operations, on 25 May 1983, it transmitted just about 6,000 words. By the end of 1985, it was regularly transmitting an average of 15,000, and now the daily output is between 20,000 and 25,000 words.

From the feedback received from the national news agencies, PANA's news and features – especially the features – are being used more and more by the media in various African countries and there has definitely been an increase in the volume of news on Africa published on the continent since PANA arrived on the scene.

If one were to compare the situation with regard to the flow of news in Africa today with what it was before PANA began editorial operations seven years ago, one would realize that what has been achieved is close to a revolution. Before 1983, the African news media received news about their own continent entirely from European and American news agencies; today, they are receiving a sizeable proportion of it from PANA. Before 1983, there were less than 20 national news agencies in Africa; today, there are well over 40 and the number is increasing. Before PANA, there was no link between the existing national news agencies, no exchange of news between them, and no flow of news among African countries.

With the creation of PANA, a network of African national news agencies, with PANA as its centre and co-ordinator, has emerged, and a large number of African countries are effectively exchanging news and information among themselves. Above all, the news which is being exchanged is news about Africa, gathered and processed by African journalists, and written from an African point of view.

However, the situation is still far from perfect. Out of the 47 national news agencies existing in Africa, only one third send news and features to PANA for dissemination to others on a regular basis, another one third do so three or four times a week, while the rest contribute to PANA production only occasionally. Looking at the other side of the coin, one finds that only 12 of the agencies receive clean copy from PANA consistently because they have specialized point-to-point links

with it. The others, which receive its services by radio occasionally, get garbled copy because of atmospheric disturbances.

There is another organization which is carrying out some exchange of information among African countries: the Union of National Television and Radio Organisations of Africa (URTNA) which also has its headquarters in Dakar, Senegal. Its aims are to promote co-operation and the exchange of programmes among all the radio and television stations in the continent. It has a centre in Nairobi which receives programmes from member stations and reproduces and distributes them among all the members. This way, radio and television programmes produced in one African country can be heard or seen in many of the others. Such programmes usually deal with the economic, social and cultural life of the country concerned. Clearly they help in promoting greater knowledge and better understanding of each country by the others.

URTNA and PANA are two continent-wide networks which have great potential to promote a purposeful exchange of information, designed to increase knowledge of one another and improve understanding among African States, and thereby to create the right atmosphere for the building of confidence, the resolution of conflicts and the prevention of crisis between them.

Annexes

Report of the Workshop

Organization

1. The Workshop for Senior African Military and Civilian Officals on Conflict Resolution, Crisis Prevention and Management and Confidence-building among African States was organized by the United Nations Department for Disarmament Affairs within the framework of the training programme of its Regional Centre for Peace and Disarmament in Africa. The workshop was organized in collaboration with the Government of the United Republic of Tanzania and its Centre for Foreign Relations.

Date and venue

2. The workshop took place from 5 to 16 March 1990 in Arusha, United Republic of Tanzania.

Objectives of the workshop

3. The primary objective of the workshop was to bring together senior military and civilian officials of 29 African States, drawn largely from areas of conflict or tension in the region, for the consideration of various issues relating to the peaceful settlement of disputes and the non-use of force in inter-State relations in Africa. Furthermore, the workshop aimed at enabling participants to deepen their knowledge and skills in this field through lectures and simulation exercises conducted by leading experts on the delicate and intricate issues involved. The workshop had the added advantage of providing an opportunity for personal contact and communication among participants which could lead to better mutual understanding and enhanced confidence among officials responsible for peace and security policies in their respective countries.

Participation in the workshop

4. Participants in the workshop were designated by their respective Governments. They included senior military and civilian officials with responsibilities in the field of peace and security in their respective countries. A list of participants and guest speakers at the workshop is annexed to the present report.

Languages of the workshop

5. English and French constituted the working languages of the workshop. Simultaneous interpretation in both languages was provided throughout the duration of the workshop.

Opening ceremonies

6. The workshop was opened by Mr. Yasushi Akashi, United Nations Under-Secretary-General for Disarmament Affairs, on 5 March 1990. The Honourable Ambassador Ahmed Hassan Diria, Minister of Information and Broadcasting of the United Republic of Tanzania, made the welcoming statement on behalf of the Host Government. H. E. Ambassador Taher Shash, representative of H. E. President Hosni Mubarak of Egypt, Current Chairman of the Organization of African Unity (OAU), also made a statement. The OAU Secretary-General, H. E. Mr. Salim Ahmed Salim, delivered the keynote address.

Deliberations of the workshop

7. The substance of the workshop consisted of presentations by experts on the various topics considered, followed by intensive discussions with participants. A training simulation on mediation, crisis management and the peaceful settlement of border disputes was also organized. In addition, film shows and slide projections were used to demonstrate or clarify certain aspects of some of the subjects examined during the workshop.

8. A general overview of contemporary African and global political, military and economic affairs, including recent developments in Europe, and their relationship to peace, security, disarmament and confidence-building among African States was covered in the keynote

address by Mr. Salim Ahmed Salim, Secretary-General of the Organization of African Unity as well as in a presentation by H.E. Mr. Oluyemi Adeniji, Ambassador of the Federal Republic of Nigeria to France and Member of the Advisory Board of the United Nations Secretary-General on Disarmament Matters.

Topics covered

a) "Review of conflict areas in Africa", by Ambassador Norman Kiondo, Director of the Centre for Foreign Relations of the United Republic of Tanzania.

b) "Militarization of African affairs and its implications for peace and development in the region", by Ambassador Olara Otunnu, President of the International Peace Academy, New York.

c) "The Organization of African Unity and conflict resolution in Africa", by Professor Yassin El-Ayouty, State University of New York, Stony Brook, New York.

d) Conflicts and militarization in Africa: a review of specific experiences in the various subregions:

- the subregion of Central Africa
- the subregion of West Africa
- the subregions of East and Southern Africa
- the subregion of North Africa

e) "Confidence-building measures in Africa", by H.E. Ambassador Paul Rupia, Chief Secretary, Office of the President, Dar es Salaam, United Republic of Tanzania.

f) "African and international legal provisions in the field of peaceful settlement of disputes and the non-use of force", by Professor Tafsir Malick Ndiaye, Professor of Law, Université Cheikh Anta Diop, Dakar, Senegal.

g) "The promotion and respect of human rights as a factor for peace, security and development in Africa", by Professor Isaac Nguéma, former Chairman of the African Commission on Human and People's Rights, Libreville, Gabon.

h) "Principles, techniques, procedures and methods of military co-operation among African States in the field of peace-keeping: The role of the United Nations and the role of the Organization of African Unity", by Lt. General (ret.) Emmanuel Erskine

(Ghana), former Commander of the United Nations Interim Force in Lebanon (UNIFIL).

(i) "Contemporary African political, military and economic affairs and their relationship to peace, security, disarmament and confidence-building among African States: a general overview", by H.E. Mr. Oluyemi Adeniji, Ambassador of the Federal Republic of Nigeria to France and Member of the Advisory Board of the United Nations Secretary-General on Disarmament Matters.

(j) The role, techniques, principles and procedures of mediation, negotiation and arbitration in the field of conflict resolution:

- "The role of the United Nations", by James O. C. Jonah, United Nations Assistant Secretary-General, Office for Research and the Collection of Information (ORCI).
- "The role of subregional and inter-governmental security arrangements: the experience of the Accord de Non-Agression et d'Assistance en matière de Defense (ANAD)", by General Jean Gomis, Secretary-General of ANAD.

(k) "Socio-economic consequences of military expenditures and disarmament in Africa", by Professor Robert West, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts, United States.

(l) "The role of the International Committee of the Red Cross (ICRC) in conflict resolution in Africa", by Dr. Jean-Jacques Gacond, ICRC Delegate to the Armed Forces for Africa, Nairobi, Kenya:

- "Knowledge of the law of war as a confidence-building measure"
- "ICRC operations in Africa"

(m) "The role of the media in confidence-building among African States", by Mr. Victor Olufemi Adefela, Deputy Director General, Pan African News Agency (PANA), Dakar, Senegal.

(n) Simulation exercise on the peaceful settlement of border disputes in Africa. The exercise was organized and guided by Dr. Tommy Imobighe (Nigeria), Center for Conflict Resolution, George Mason University, Fairfax, Virginia, United States.

(o) A panel discussion on "The role and contribution of external Powers and other actors in conflict resolution in Africa" was conducted by James O. C. Jonah, Assistant Secretary-General,

United Nations. Panelists were Mr. A. G. Aksenenok, Deputy Director for Estimates and Planning, Ministry for Foreign Affairs, Moscow (USSR); Dr. Christophe Carle, Institut Français des Relations Internationales, Paris (France); and Dr. John Stremlau, Deputy Director, Policy Planning Staff, U.S. Department of State, Washington D.C., United States.

Evaluation of the workshop

9. On 15 March 1990, participants took part in an in-depth evaluation of the workshop. They stressed the importance and value of the initiative which helped to identify problems of peace and security confronting Africa and sought to promote ways and means of finding lasting solutions and enhancing mutual confidence among African States in the common interest of peace and development in the region as a whole. In the course of the evaluation, the following major points were emphasized:

Evaluation of the objectives of the workshop

10. Participants believed that the workshop had successfully accomplished its dual objective of serving as a forum for the exchange of ideas and perspectives among participants and providing insight into practical training techniques and skills for the peaceful resolution of conflicts, crisis prevention and management and confidence-building.

11. It was further underlined that the workshop had offered a unique and particularly valuable opportunity for senior African military and civilian officials from different parts of the Continent but with responsibilities in the same field to get to know each other better and to become acquainted with each other's national or subregional security concerns or interests. This in itself was seen as a confidence-building measure of great importance that needed to be promoted even further as it was through more inter-personal contact that the necessary trust would be built for better inter-State relations in Africa.

Evaluation of the substance of the workshop

12. It was generally felt that the presentations by guest speakers had been useful both in informing and educating participants on the

issues covered and in provoking deeper thinking and reflection on these subjects. The need to pay greater emphasis, in future presentations, to the economic aspect of inter-State co-operation for security and confidence-building was underlined. It was felt, furthermore, that future presentations on the various issues should include a deeper analysis of practical and realistic situations and avoid being too theoretical or academic.

13. Several participants welcomed the comprehensive and diversified nature of the topics covered by the guest speakers and in the programme of work of the workshop as a whole which they said had been very enriching and forward-looking. This, they said, had been especially useful as Africa was beginning to look to a future increasingly marked by uncertainties and growing concerns about its place in the evolving new world order.

14. In the view of the participants, the programme of work, including the guest statements and the ensuing discussions, had successfully treated delicate and complex issues. All participants remarked on the frank and open nature of the discussions and welcomed this development. It was observed, in this connection, that while many participants had been reserved at the beginning of the workshop, they had steadily become more frank and open as the discussions progressed. This showed that greater contact and communication was an important way of building confidence.

15. Emphasis was also placed on the importance of simulation exercises. They were seen as beneficial, indeed essential component of the programme of work of future such gatherings. In this connection, the need for more simulation exercises in future workshops was underlined. It was also felt that such exercises should be based on realistic African situations and should be designed to deal with practical problems confronting the countries participating in the workshop.

16. Views of a more general nature were also expressed on the overall socio-economic, politico-military and security situation in Africa. Participants generally highlighted what they saw as the continuing validity of the dream of African unity and of the growing imperative of inter-African co-operation to enable the region to face successfully the increasingly common threats and challenges facing it. Participants urged the breaking down of barriers and whatever other differences that helped to divide Africa. In this regard, the importance of the OAU as

the most vital instrument and symbol of African oneness, was underlined. The need to strengthen, in particular financially, the OAU and other common African institutions, was stressed. Furthermore, it was suggested that the subject of confidence-building as well as an item on a review of the security situation in Africa should appear regularly on the agenda of OAU ministerial and summit conferences.

17. A number of participants stressed the view that Africa's activities in the field of peace and security should be continent-wide and OAU-centred. Such an approach, they felt, would strengthen unity and eliminate the risks of inter-subregional rivalry and mistrust if security arrangements are organized within the more limited framework of small groups of States in various subregions of the continent. It was pointed out, nevertheless, that emphasis on the continent-wide approach should not be construed as opposition to subregional efforts to promote mutual trust and confidence among neighbouring African countries. Both the subregional and wider regional approaches were useful and should be encouraged towards the realization of the ultimate goal of peace and progress for the entire continent. In view of the importance of these issues for Africa as a whole, participants widely regretted the fact that the OAU had not been represented for the duration of the workshop. In this connection, the wish was strongly expressed for the OAU to be actively involved in future workshops and/or to organize similar activities itself.

18. Participants who placed emphasis on the relevance of the subregional approach to the consideration of peace and security issues saw it as a realistic step-by-step approach to promoting peace and security in Africa as a whole, especially since, in their view, such a step-by-step approach took into account the unique and special characteristics and concerns of the various subregions. Moreover, in their view, the security planning of individual States was determined by situations existing nearby in the same subregion.

Evaluation of the organizational and technical aspects of the workshop

19. Participants, in general, expressed their deep appreciation and gratitude to the United Nations for organizing the workshop and ensuring its smooth and efficient convening. They also appreciated the important contribution made to this effect by the Government and

people of the United Republic of Tanzania and their Centre for Foreign Relations. Regarding specific organizational and technical matters, the following observations were also highlighted:

20. A major observation concerned the need to allot more time for discussions and in-depth analyses of pertinent issues. To this end, it was felt perhaps that fewer subjects should be treated among a smaller number of participants and that such gatherings should take place more frequently.

21. While some participants thought that two weeks seemed to be too long for senior officials to be away from their national responsibilities, many other participants thought that the time was just adequate to allow for the sort of thorough presentation and discussions which everyone had agreed were useful and necessary.

22. It was observed that partly because of last-minute changes in the schedules and other plans of some guest speakers, it had become necessary to make several late and often problematic changes in the original agenda or programme of work of the workshop. This had contributed to some confusion by altering, in several cases, the logical sequence of ideas and topics covered in the original agenda or programme of work.

23. There was wide recognition of the relevance of adequate documentation in the working languages of the workshop. In this connection, some participants regretted that some of the texts of statements by guest speakers had not been made available in the two working languages of the meeting. The wish was expressed that relevant documentation should be translated and sent to participants well in advance of the commencement of the workshop.

24. Concerning the observations made on the question of documentation and last-minute alterations of the original agenda of the workshop, the Secretariat regretted the problems encountered but explained that they were due to factors completely beyond its control. The guest speakers sought by the United Nations for these workshops were in general senior officials and other high-level experts with tight schedules and heavy responsibilities. It was often difficult for them to make firm commitments far in advance of the date of the commencement of the workshops and it was also difficult for them to meet the request by the United Nations to submit prepared texts of their statements in advance. Indeed, even after they had accepted to

participate in the workshop as guest speakers, some of these officials or experts had been forced by unavoidable last-minute developments, to cancel their participation thus necessitating programme changes. The Secretariat would continue to work with prospective host countries to agree as early as possible on such matters as dates and venue of the meeting so that guest speakers could also be contacted as early as possible.

Conclusions and recommendations

25. Participants were unanimous in underlining their wish that such workshops should be continued and should be held regularly in order to maintain the momentum created and, specifically, to augment the levels of training offered and to strengthen even further the dialogue and contacts established among African officials. In this connection, suggestions were made for workshops to be held in other subregions of Africa as well as at the continent-wide level to enable participants to undertake a comparative review of developments in the various subregions. Participants from the subregion of Central Africa made a specific proposal and request to the United Nations to organize a similar workshop in their subregion for the Member States of the Economic Community of Central African States (ECCAS).

26. While generally feeling that the causes and sources of threats to peace and security in Africa had adequately been covered at the workshop, some participants suggested that future meetings should focus on defining concrete confidence-building measures and on developing and exploring further specific ways and means as well as specific mechanisms for the prevention and peaceful resolution of conflicts. Such future workshops might therefore cover a limited number of topics involving a limited number of countries in a clearly defined area or subregion. In organizing such limited or subregional gatherings, it was further recommended that greater use should be made of resource persons and other experts from the subregions concerned as guest speakers, since they would be likely to be bringing with them intimate knowledge of the realities of the areas being studied.

27. It was recommended that future workshops should be held for military and civilian officials at various levels, from junior officers to cabinet officals to discuss specific issues. It was also suggested that political leaders such as heads of the various political parties and

parliaments in Africa should also be associated with future workshops, either as participants or as guest speakers. A subject that such leaders might examine could be confidence-building measures in Africa.

28. Some participants emphasized the importance of the development underway towards the realization of a democratic, non-racial and united South Africa and recommended that future workshops should also be organized to examine the security situation in a post-*apartheid* Africa.

29. In view of the importance of the subjects discussed at the workshop, each participant was called upon to take up with his/her respective Government the ideas and issues raised.

30. Some participants also noted the high costs involved in the organization of such workshops and urged all African countries to provide adequate financial and other assistance to the United Nations Department for Disarmament Affairs and in particular to its Regional Centre for Peace and Disarmament in Africa.

31. The United Nations Department for Disarmament Affairs was requested to publish the proceedings of each workshop. It was stressed, at the same time, that such publications should mainly contain the papers and other documents presented at the workshop and should not include the off-the-record discussions and deliberations.

Presentation of certificates of participation

32. Following the evaluation of the workshop by participants on 15 March, James O. C. Jonah, United Nations Assistant Secretary-General, Office for Research and the Collection of Information presented, on behalf of Mr. Yasushi Akashi, the United Nations Under-Secretary-General for Disarmament Affairs, certificates of participation to participants in the workshop.

Closing ceremonies

33. Closing ceremonies for the workshop were held on 16 March 1990. H.E. Mr. A. A. Abbas, Principal Secretary, Ministry of Foreign Affairs of the United Republic of Tanzania, made a closing statement on behalf of the Host Government. James O. C. Jonah, Assistant Secretary-General of the United Nations, also made a closing statement on behalf of the Under-Secretary-General for Disarmament Affairs. Participants then proceeded to adopt the Report of the workshop.

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